

**GENERAL STATUTES**  
*of*  
**MINNESOTA**  
**1923**

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from which such territory was detached. And said rights and powers shall be deemed to have become effective and vested in such town in all respects at and from the date when the county board shall have granted the petition for the detaching and annexation of said territory and shall have made and filed its report and final order thereon. Provided, however, that nothing in this act shall affect any action or proceeding now pending in any court of this state. ('13 c. 177 § 1) [1195]

**1103. Cities or villages**—Nothing in this chapter contained shall apply to territory embraced within the limits of any city or village, but each such city and village shall have and exercise within its limits all the powers conferred by this chapter upon towns. (692) [1196]

33-351, 353, 23+526; 37-475, 476, 35+179; 38-186, 189, 36+454; 41-136, 138, 42+930; 90-406, 408, 97+103.

**1104. Actions between towns, etc.**—Actions and proceedings between towns, or between a town and an individual or corporation, shall be begun, tried, and conducted in the same manner, and a judgment therein shall have a like effect, as in similar actions and proceedings between individuals. (693) [1197]

20-74, 59.

**1105. Actions, in what name**—In all actions or proceedings the town shall sue and be sued in its name, except where town officers are authorized to sue in their official names for its benefit. In every action against a town, process and papers shall be served on the chairman of the town board, or, in his absence, on the town clerk; and such chairman shall attend to the defence of such action, and lay before the voters at the first town meeting a full statement of the facts relating thereto, for their direction in defending the same. (694) [1198]

13-383, 355; 106-269, 118+1025.

**1106. Filing claims—Demand**—No action upon any claim or cause of action for which a money judgment only is demandable, except upon town orders, bonds, coupons, or written promises to pay money, shall be maintained against any town, unless a statement of such claim shall have been filed with the town clerk. No action shall be brought upon any town order until the expiration of thirty days after payment thereof has been demanded. (695) [1199]

Cited (137-350, 163-673).

**1107. Judgments against towns**—When a judgment is recovered against a town, or against any town officer in an action against him in his official name, no execution shall be issued thereon; but, unless reversed or stayed, it shall be paid by the town treasurer upon demand, and the delivery to him of a certified copy of the docket thereof, if he has in his hands sufficient town money not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterwards stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to the town levied for the purpose of paying such judgment, execution may issue, but only town property shall be liable thereon. (696) [1200]

**1108. Tax to pay judgment**—If a judgment for the recovery of money is rendered against a town, and is not satisfied or proceedings thereon stayed before the next annual town meeting, upon presentation of a certified copy of the docket of such judgment to such town meeting the town board shall add to the tax levy for said year the amount of such judgment. (697) [1201]

CHAPTER 9

VILLAGES AND CITIES

1109  
Et seq. 33-343  
1109 Et seq.  
207-NW 309

**1109. Villages and boroughs**—Until reorganized as provided in section 1110 the several villages and boroughs existing as such at the time of the taking effect of the Revised Laws under special legislative charter or under any general law, shall continue thereunder and in all things continue to be governed by such general or special laws; except that the provisions of the General Statutes 1913 and any acts amendatory thereof or supplemental thereto relating to elections in villages, and of chapter 10 of such General Statutes 1913 and any acts amendatory thereof or supplemental thereto relating to indebtedness of villages, shall apply to and govern all such villages organized under any general law: Provided, that any village or borough of either class, having the requisite population, may reorganize as a city in the mode hereinafter prescribed. (R. L. '05 § 698; G. S. '13 § 1202, amended '17 c. 355 § 1)

1885 c. 145 § 48, is not part of village charter continued by this section, but was superseded by § 3142 (112-365, 128+295).

1891 c. 146 subc. 11 § 28, providing for appeals to municipal court, is not perpetuated by this section (112-487, 128+834).

See 124-107, 144+464; 142-199, 177+770; 146-308, 178+607. Elections held in villages existing under any general law legalized in certain cases, '17 c. 35.

Incorporations made or attempted between January 1, 1922, and January 1, 1923, legalized, '23 c. 250.

Terms of trustees in villages organized under G. L. 1885 c. 145, fixed '19 c. 376.

General provisions for sprinkling and oiling streets made applicable to villages organized under special law, '17 c. 48.

**1110. Surrender of charter—Reincorporation**—Any village or borough organized under general or special charter may relinquish the same, and thenceforth be governed as herein provided. The council or other governing body may propose such relinquishment by a resolution ordering a special election thereon, or ordering such proposition to be submitted at the annual village election. Notice of such special election, and the conduct thereof, shall be as prescribed by law for other special village or borough elections. If submitted at the annual village election, the notice of such election shall contain a notice of the submission of such proposition. The ballots used shall bear the printed words, "For reincorporation—Yes—No," with a square after each of the last two words, in one of which the voter may insert a cross to express his choice. If a majority of the votes cast upon such proposition be in the affirmative, said governing body shall declare the result by resolution, a certified copy of which shall be filed with the county auditor, and another with the secretary of state. Thereupon the former charter shall cease, and the applicable provisions of this chapter be substituted therefor. But until after the election next ensuing, as herein provided, the officers of such former organization shall continue in the discharge of their official duties, being governed therein, so far as practicable, by this chapter. (R. L. '05 § 699; G. S. '13 § 1203, amended '15 c. 17)

VILLAGES

1111. What territory may be incorporated—Any district, section or parts of section not in any incorporated village, and in the state of Minnesota, which has been platted into lots and blocks, also the lands adjacent thereto, when said plat has been duly and legally certified according to the laws of this state, and filed in the office of, the register of deeds for the county in which said lands or the larger portion thereof lie, said territory containing a resident population of not more than three thousand nor less than one hundred, may become incorporated as a village in the manner herein-after prescribed. But the unplatted part of such territory must adjoin the platted portion and be so conditioned as properly to be subjected to village government. Provided, that any village, whose incorporation shall hereafter be declared void by judgment of court, may reincorporate under this act, notwithstanding the fact that such village does not contain one hundred inhabitants, and in such reincorporation may include all or part of the territory embraced in the original incorporation; provided, however, that any district, section or parts of sections which has been platted into lots and blocks, as herein provided, and which is contiguous to the state line and having a population of not less than fifty (50) inhabitants, may upon a petition of not less than ten (10) voters, residents therein, become incorporated as a village in the manner herein-after prescribed. (R. L. '05 § 700, amended '07 c. 270; '19 c. 324) [1204]

Previously amended by 1907 c. 255.  
57-526, 59-972; 61-146, 63-613; 76-469, 474, 79-510;  
87-195, 91-465; 90-271, 96-40.  
Meaning of "village" (107-364, 120-528).  
What included in "lands adjacent thereto" (107-364, 120-528).  
Test whether territory adjacent to platted lands may be incorporated (112-330, 127-1118).  
Necessary population to authorize incorporation should be composed of actual residents (130-100, 153-257).  
De facto public corporations (see 132-59, 155-1040).  
142-199, 171-770; 146-311, 178-815; 150-203, 184-850; 151-541, 186-697.  
Certain municipalities attempted between December 14, 1904 and February 6, 1905, legalized '05 c. 12.  
Certain incorporations attempted between October 1, 1888 and December 31, 1888, legalized '07 c. 215.  
Certain incorporations attempted between June 1, 1907 and March 11, 1907 and between January 1, 1911 and March 1, 1911, legalized, '11 c. 198.  
Incorporation of villages under G. L. 1883 validated '07 c. 119.  
Certain incorporations validated '11 c. 330.  
Incorporations attempted under G. L. 1875 c. 139, validated '13 c. 19.  
Incorporation of villages from territory of other villages validated, '09 c. 9.  
Also '13 c. 219; '21 c. 3.

1112. Petition for election—Twenty-five or more of the voters residing within said territory may petition the county board of the county in which the whole or larger part of said lands are situated to call an election for the determination of such proposed incorporation. They shall first cause to be taken a census of the resident population, and, if found to be within the numbers specified in section [R. L. ] 700 the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of such territory, the quantity of land embraced therein, the number of actual residents thereon, and the name of the village proposed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified, and that the statements made in the petition are true. (R. L. § 701, amended '07 c. 255 § 2) [1205]

73-225, 231, 75-1050.  
Cited (107-364, 120-528).  
Cited (142-199, 171, 770).

1113. Notice of election—If the county board approve said petition, it shall cause a copy thereof, with a notice attached fixing a time and place for holding such election, to be posted in three public places with-

in the boundaries described. The time shall be not less than twenty nor more than thirty days after such posting, and the place within the limits of the proposed vilage. If there be a qualified newspaper published within said limits, there shall also be two weeks' published notice of such election. (702) [1206]

Board not vested with discretionary power (107-364, 120-528).

1114. Inspectors—Return—The board shall also appoint three inspectors, residents of said territory, who shall act as judges of said election, and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballot shall bear the words, "For incorporation—Yes—No," with a square after each of the last two words, in one of which the voter shall make a cross to express his choice. The inspectors shall at once make and file with the county auditor a certificate declaring the time and place of holding said election, that they have canvassed the ballots cast thereat, and the number cast both for and against said proposition. The certificate shall be signed and verified by at least two of said inspectors to the effect that the statements thereof are true. (703) [1207]

1115. Incorporation, when effected—The auditor shall attach said certificate to the original petition, with a copy of the resolution appointing said inspectors, and the original proofs of the posting and publication of the election notice, and file the whole, as one document, in his office. If the certificate show that the majority of the votes cast were in the affirmative, he shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If territory in more than one county is embraced within such corporate limits, he shall also forthwith make and transmit to the auditor of each county in which said incorporated territory will be situate a certified copy of said document to be there filed as a public record, and thereupon the incorporation shall be deemed complete. If the vote be adverse, no subsequent petition shall be entertained within one year next after said election. (R. L. § 704, amended '07 c. 256 § 3) [1208]

1116 Election of officers—Expenses—Upon the filing of said copy with the secretary of state, said inspectors of election shall give notice of a meeting of the resident voters for the organization of such village and the election of its officers, fixing therein the date and hour of the meeting, which shall be at least ten days, and not more than twenty days, thereafter. Such notice shall be posted and published as in case of the original election. The voters present at the appointed hour and place, by a majority vote taken viva voce, shall appoint two judges and one clerk of the election, who shall take the oath, and be governed in the conduct of the election, so far as practicable, by the laws regulating the choice of town officers. They shall open the polls by proclamation, and receive all lawful votes offered by resident voters during a period of at least six hours, and until 7 o'clock p. m. They shall give to each officer chosen a certificate of his election, and such officers, having qualified according to law, shall forthwith assume their official duties. All proper expenses of the incorporation, organization, and election shall be a charge upon said village. (705) [1209]

1117. General powers and duties—Villages so organized, and all others governed by this chapter, shall possess and may exercise, under their respective corporate names, the rights and powers, and be subject to the duties of municipal corporations at common law, with perpetual succession. Each shall be capable of

1111 Note,  
244nw 553,  
See 1120 1/2

1115  
206-NW 4  
1115  
165-M 3

contracting, of suing and of being sued, and of pleading and being impleaded in the courts, may have a common seal, and alter the same at the pleasure of the council, and have power to take, purchase, lease, and hold such real and personal property, either within or without its corporate limits, as the purposes of the corporation may require. And it may sell, lease, and convey any of such property when no longer needed for corporate use. (706) [1210]

Power to sell (110-59, 124+371).

1118. Villages in more than one county—Certificate for auditor—Whenever any village heretofore or hereafter organized includes territory in more than one county the register of deeds of the county in which the original certificates showing the incorporation and the boundaries of such village are filed and recorded may, on demand, make a certificate showing the territory included in such village, which certificate may be filed in the office of the auditor of any other county in which any of the territory within such village is located, and such certificate shall be prima facie evidence of the facts therein stated for the purpose of levying village taxes or otherwise. ('05 c. 95 § 1) [1211]

1119. Including territory not subject to village government—Whenever any village shall hereafter be incorporated under the provisions of chapter nine of the Revised Laws of 1905, and the amendments thereof, which village shall include within its limits the platted portion of lands theretofore attempted to be incorporated as a village under said chapter but which attempted incorporation is invalid because it included territory, not properly subject to the proposed village government, such village so to be incorporated shall be vested with all the rights, privileges, immunities, franchises, credits and property that said village so attempted to be incorporated would have had if its incorporation had been legal and valid, and shall be liable for all the debts and obligations that said village so attempted to be incorporated would have been liable for if its incorporation had been valid, and all franchises and licenses granted and contracts made by said village so attempted to be incorporated shall be of force and effect in said newly incorporated village from the time of the granting of such franchises and licenses and the making of such contracts respectively by said village so attempted to be incorporated; it being the intention hereof to make such village so to be incorporated the successor to such village so wrongfully attempted to be incorporated, with all the property, right and credits that would have accrued to said village so attempted to be incorporated, if legal, by reason of its acts or by the operation of law, and liable for all the obligations of said village so attempted to be incorporated. Provided, that nothing in this act shall be construed to validate or legalize any taxes levied or attempted to be levied other than assessments on property adjacent to local improvements levied, for the purpose of paying the cost thereof and the damages occasioned thereby. ('09 c. 148 § 1) [1221]

The provisions of R. L. 1905 c. 9, are included in chapter 9 hereof.

Unplatted territory annexed must have the same qualifications as prescribed by § 1111 (127-453, 149-951; 146-311, 178+815)

1120. Extending boundaries—Whenever the owner of land abutting upon any village, or a majority of the owners of platted or unplatted land not exceeding two hundred acres so abutting, shall petition the council by ordinance may so extend the village boundaries as to include the same. But no such ordinance shall take effect until a certified copy thereof is filed with the secretary of state. (R. L. § 707, amended '13 c. 119 § 1) [1226]

Cited (127-452, 149+951).

Extension legalized, '17 c. 136.

Proceedings for extension of particular territory, '15 c. 121.

Extending boundaries, see '05 c. 281.

Cited (127-452, 149+591; also '13 c. 276):

See on detachment of territory, '05 c. 281; '07 c. 91; '09 c. 476; '09 c. 138; '17 c. 477; '19 c. 421; '21 c. 451; '23 c. 177.

1120 1/2  
211-NW 5

1120 1/2  
153-M 361

1120 1/2  
25 37

1120 1/2  
33 - 433  
244nw 553  
See 1111  
Note

1120 1/2. Detachment of territory from certain villages—The owner of any unplatted tract of land containing not less than forty acres occupied and used solely for agricultural purposes, situated within the corporate limits of any village in this state and not within twenty rods of the platted portion of said village, may petition the board of county commissioners of the county in which said tract of land is situated, for an order detaching said tract from said village. Upon the filing of said petition in the office of the county auditor of said county the board of county commissioners thereof shall, at their next meeting thereafter, fix a time and place for the hearing of such petition, which time shall not be less than 30 days thereafter, and shall direct a notice of such hearing to be issued and signed by the county auditor of said county on behalf of such board, which said notice shall state the name of such petitioner, describe the tract of land sought to be detached and the time and place of such hearing, which said notice said petitioner shall cause to be served upon the president of the village council of said village, or the recorder thereof, at least twenty days before the day of hearing, and by posting three copies of such notice on three of the most public places in said village, or in lieu of such posting, said notice shall be published in the official paper of such village for two successive weeks, once in each week, in case there shall be a legal newspaper printed and published in said village. Upon the hearing of said petition at the time and place so fixed, if the board of county commissioners shall find that said land is owned by the petitioner and is used solely for agricultural purposes and that the same may be so detached from said village without unreasonably affecting the symmetry of the settled portion thereof, and that the same is so conditioned as not properly to be subjected to village government or is not necessary for the reasonable exercise of the police powers or other powers or functions of such village, such board of county commissioners shall make an order detaching such land from said village and thereupon said tract of land shall become detached therefrom, and shall thereafter form a part of the township in which it was originally situated, if such village were organized prior to the time when the territory of Minnesota became a state and before the organization of the township in which such land was originally situated, the land so detached shall become a part of the township adjoining thereto, and if such land adjoin two or more townships the county board shall decide to which of such adjoining town or townships such detached tract or tracts shall be attached and shall in all things be subject to the town government of such township, and not in any manner under their jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village within five days after the same shall have been made.

This act shall apply only to the following villages, namely:

- 1. Villages having a population of 350 or less persons and containing more than 160 acres of land.
- 2. Villages having a population of more than 350 and less than 700 persons and containing more than 320 acres of land.
- 3. Villages having a population of more than 700 persons and containing more than 640 acres of land.

7 1120 150  
1120  
31 95



Any person or party aggrieved may appeal from such order to the district court of the county upon the following grounds:

1. That the county board had no jurisdiction to act.
2. That it has exceeded its jurisdiction.
3. That its action is against the best interests of the territory affected.

Such appeal shall be taken by serving upon the county auditor within thirty days from the making of the order a notice of appeal, specifying the grounds thereof. The appellant shall also execute and deliver to the auditor a bond to the county in the sum of one hundred dollars, to be approved by the county auditor, conditioned for the payment of all costs, taxed against the appellant on such appeal. Such further proceedings shall be had upon such appeal as upon other appeals from the county board.

The provisions of this act relating to appeals shall not apply to any action or proceeding now pending involving the separation of land from any village. ('09 c. 138 § 1, amended '17 c. 477; '19 c. 421; '21 c. 451; '23 c. 177) [1231]

190+545.

**1121. Detaching unplatted lands from villages**—Any unplatted lands or territory may be detached from and taken out of any incorporated village in the state of Minnesota by a petition of at least thirty (30) of the legal voters of such village, or by a petition of the owner or owners of the land or territory which is proposed to be detached, to the village council of said village. Such petition shall accurately describe the land or territory so proposed to be detached and shall be filed with the village recorder of said village. ('11 c. 132 § 1) [1233]

Cited (127-452, 149+951).

**1122. Same—Special election—Ballots, etc.**—Upon the filing of said petition in the office of said village recorder it shall be the duty of said recorder to immediately notify the members of the village council that such petition has been so filed, and thereupon it shall be the duty of said village council to hold either a regular or special meeting of such council within ten (10) days after receiving such notice, and to order that a special election be called and held in said village for the electors of said village to vote upon the proposition of detaching such territory from said village and to give notice of such special election by posting three written or printed notices thereof in three (3) of the most public places within said village outside of the territory proposed to be detached, and in three (3) of the most public places within the territory proposed to be detached, and shall state the time and place, when and where, within said village such election will be held, and the electors of said village will vote upon said proposition, for or against such detaching of territory. Said notice shall also state the proposition on which the said electors will vote. A copy of said petition shall also be posted with and shall constitute a part of said notice. Said village council shall also cause the said notice, including said petition, to be published for one (1) full week prior to the date of said election in a newspaper printed and published in said village, and if there be no newspaper printed and published in said village then in a newspaper printed and published at the county seat of the county in which said village is located. If there be no newspaper in said village nor in the county seat of the county wherein said village is located, then the posting of said notice shall be sufficient.

Said election shall be held within thirty (30) days from the time said petition is filed in the office of said village recorder and ten (10) days notice thereof shall be given.

The ballots used shall have upon them the proposition to be voted upon together with the words, "for detaching," or "against detaching," and the said special election shall be held, conducted and concluded as other special elections in villages held pursuant to the General Laws of Minnesota.

If the judges of said special election shall find, on canvassing the ballots cast thereat, that a majority thereof are for detaching said territory from said village, then they shall make a certificate containing a description of the territory as set forth in the notice of said election stating the whole number of votes cast, the number for detaching, and the number against detaching, which said certificate shall be signed by said judges of said special election and by them verified to the effect that the statements therein contained are true, and they shall cause the same to be filed in the office of the register of deeds of said county within ten (10) days after said election and in the office of the secretary of state within ten (10) days after said election, and thereupon said territory shall be detached and separated from said village and shall become a part of the township in which it is when so detached. ('11 c. 132 § 2) [1234]

**1123. Consolidation of adjacent villages**—Whenever the boundary lines of two villages may be adjacent or coincident for one and one-half miles or more, said villages may be consolidated on agreeing as follows: ('13 c. 407 § 1) [1235]

**1124. Agreement—Petition—Submission to voters**—The council of either village may agree with the other village to such consolidation, or may, of its own motion, and upon petition of twenty-five (25) resident voters forthwith shall, order a special election upon the question of consolidation, the general terms of which shall be stated in such petition and in the question submitted to vote, and in case a majority of the votes cast at such election is in favor of consolidation the same shall be effectual on the agreement thereto by the other village, either by vote of its council, or, if an election is held therein, then in case a majority of the votes cast thereat are in favor thereof, provided that, if the council of either village, without first holding such special election therein, shall vote to consolidate, then on petition of twenty-five (25) per cent of the number of voters voting at the last preceding annual village election, filed with the village clerk within fifteen (15) days of such vote, a special election forthwith shall be called therein and the question of such consolidation shall be submitted at such election, and if a majority of the votes cast thereat are against such consolidation the vote of the council thereon shall be of no effect, and such consolidation shall not take place. ('13 c. 407 § 2) [1236]

**1125. Agreement binding**—The agreements between such villages with reference to the terms of consolidation shall be binding upon the consolidated village. ('13 c. 407 § 3) [1237]

**1126. Separate election and assessment district**—Any such village or any other village heretofore organized and incorporated under any general or special law and now existing, not heretofore constituted a separate election and assessment district, may become such by the vote of a majority of its electors casting their ballots upon the question at a special election called for the purpose, or at a general election in the notice whereof the question is plainly submitted. The result of said vote shall be certified by the judges of election to the village council of such village and by said village council to the county auditor, and, if favorable to the change, by him to the secretary of the state. The last named certificate being received and filed in the office of the secretary of state, the change shall at once take

effect, and thereafter the electors of said village shall have no vote in the affairs of the town or towns in which the village lies, and said village shall thereupon become and be a separate election and assessment district and in all things separate from such town or towns and be so certified by the county auditor to the state auditor. (R. L. § 708, amended '11 c., 154 § 1) [1238]

Cited (126-505, 148+99).  
Property within a village held not liable to be taxed for roads and bridges (125-452, 147+439).

**1127. Joint property, etc.**—If there be within said village any real estate purchased or improved with taxes theretofore levied upon property both within and without the village boundaries, the same shall be and remain the joint property of the town and village. It shall be lawful to hold the meetings and elections of said town within such village, and for any town officer to keep his office therein, notwithstanding the division into separate election or assessment districts. (709) [1239]

**1128. Apportionment of money and debt—Taxes**—Upon the separation of such village from the town for election and assessment purposes, if there be in the town treasury any money in excess of its then floating indebtedness, such proportion of the excess as the total assessed valuation of the property within said village bears to the entire valuation of the town shall belong to such village, and may be recovered by action. The computation of such sum shall be made upon the last preceding valuation for purposes of taxation. All town taxes previously levied upon property within said village, and not yet collected, shall, when collected, be credited and paid to the village. And if there be bonded indebtedness of such town, the county auditor shall apportion the same, upon the same basis, and as often as necessary shall extend a tax upon the property assessable in the town and village, respectively, sufficient to meet the proportion chargeable upon each, with interest. (710) [1240]

103-32, 114+90; 125-455, 147+439.

**1129. Separation from villages of agricultural lands and annexation to towns**—In all cases where a tract or tracts of land situate in any village, either vacant or used solely for agricultural purposes, and chiefly valuable for such, and which may be detached from such village without unreasonably affecting the symmetry of such village, and where such land is so situate as to be inconvenient of access from or to such village and so conditioned that it is not proper to be subjected to village government or necessary for the reasonable exercise of the police or other powers or functions of such village, and where if detached from such village such land would be entirely separated by the village from the township from which such village was formed and is only contiguous to some other township in the county where situate and is so conditioned as to be easy of access to any such town and proper to be subjected to township government and to become a part of any such town, then and in such case such land may be detached from any such village and annexed to such township upon the petition of a majority of the legal voters of such village and of the township to which it is desired to be annexed in the manner following: ('11 c. 31 § 1) [1241]

127-452, 149+951.

**1130. Petition—Notice**—A majority of the legal voters of every such village and township may petition the county board of the county in which such village and township are situate for an order detaching such land from such village and annexing the same to such township. Upon the filing of said petition in the office of the county auditor of the county, the county board thereof shall at their next meeting thereafter fix a

time and place for the hearing of such petition, which time shall not be less than thirty (30) days thereafter and shall direct a notice of such hearing to be issued and signed by the county auditor of such county on behalf of such board, which notice shall describe the tract or tracts of land sought to be detached and annexed, the number of petitioners signing the same resident within such village and such township, and the time and place of such hearing, which said notice said petitioners shall cause to be served upon the president of the village council of such village or the recorder thereof and upon the chairman of the town board or the town clerk thereof, at least twenty (20) days before the day of hearing, and shall also cause notice of such hearing to be given by posting three copies of such notice in three of the most public places in each such village and such township, or in lieu of so posting said notices the same may be published in a newspaper published in said county in which the official proceedings of the county board are published, for two successive weeks, once in each week. ('11 c. 31 § 2) [1242]

**1131. Hearing—Order detaching—Effect**—On the hearing of such petition, at the time and place so fixed or any adjourned day, if the county board shall find that a majority of the legal voters of both such village and such township have signed such petition and that the facts and conditions set forth in section 1 hereof, as to said lands and the situation and condition thereof, are true, and that it is for the best interests of said village and said township and the owners of the land in question that the same should be detached from such village and annexed to such township, then said county board shall make an order detaching such land from such village and annexing the same to such township and thereupon said tract or tracts of land shall become detached from such village and shall thereafter form a part of the township to which the same is so ordered to be annexed, and shall in all things be subject to the town government of such township and not in any manner under the jurisdiction of such village, and such order shall be filed in the office of the county auditor of such county and a duplicate thereof shall be filed in the office of the village recorder of such village, in the office of the town clerk of such town, in the office of the register of deeds and in the office of the secretary of state, within five (5) days after the making of such order. ('11 c. 31 § 3) [1243]

**1132. Outstanding indebtedness—Village not to be reduced below legal limit**—Such separation of said land from any such village and the annexation thereof to any such township shall not release any part of such land from liability on account of any outstanding indebtedness of such village existing at the time of its separation therefrom, and in case any such village shall have outstanding bonds to the state of Minnesota the county auditor shall continue to levy taxes as provided by law upon such lands for the payment of interest and principal thereof as required by law. Provided that no territory shall be detached from any village if by detaching such territory the area or population of such village shall be thereby reduced below the limit fixed by law. ('11 c. 31 § 3) [1244]

**1133. Qualification of petitioners—Village and town to be in same county**—The whole number of legal voters of every such township or village, for the purposes of this act, shall be deemed to be the number of persons whose names are set forth on the poll lists of such township or village as qualified voters at the last preceding general election held before the filing of such petition, but any qualified voter of said township or village whose name is not on said poll list may sign such petition or any remonstrance against granting the same or appear in favor of or against such petition.

Provided that nothing herein contained shall be held to authorize the annexation of any lands situate in any village to any township except a township of the same county in which such village is situate. ('11 c. 31 § 4) [1245]

1134  
25 — 4  
1140  
25 — 298  
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411  
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29 — 413

**1134. Elections—Officers—Terms — Vacancies —**  
The village election shall occur annually on the second Tuesday of March, when the resident electors shall choose the following named officers for terms beginning the first Tuesday in April next succeeding, to-wit: A treasurer and a village council, composed of a president, a clerk and three trustees all for the term of one year, except as hereinafter provided. Also two constables and if there be no municipal court established in the village, two justices of the peace and if said village is a separate election district an assessor, all for the term of two years. Provided, that at the annual election held in March 1918 the three trustees shall be elected one for a term of one year, one for a term of two years and one for a term of three years, the term for which each is elected to be designated on the ballot and thereafter one trustee shall be elected annually for the term of three years. All officers chosen, having qualified as such, shall hold until their successors qualify. Vacancies in office may be filled for the remainder of the year by the village council. (R. L. '05 § 711; G. S. '13 § 1246, amended '17 c. 402)

83-119, 85+933.  
Cited (117-458, 136+264).  
Certain elections legalized, '17 c. 35.

**1135. Hours for opening and closing polls in villages**  
—In all villages of this state, having a population of more than eight hundred (800) inhabitants, the polls may by resolution of the village council passed at least thirty (30) days before such election be kept open at any village election from nine (9) o'clock a. m. until nine (9) o'clock p. m. No adjournment or intermission whatever, shall be taken except as provided in case of general elections. ('13 c. 227 § 1) [436]

**1136. To be held under Australian ballot system—**  
That all elections of town and village officers, in all towns and villages having a population of 5,000 or over according to the last federal or state census, shall be held and conducted under the so-called "Australian ballot system," as provided by law for general elections in this state as far as practicable. This shall relate to no preliminaries of such elections except the filing of candidates and the preparation of ballots, as hereinafter provided. ('13 c. 210 § 1) [359]

1137Eseq.  
29 — 95R  
29 — 344

**1137. Affidavit of candidate, etc.—**Candidates for such offices shall file an affidavit at least two (2) weeks before election with the town clerk or village recorder, as the case may be, paying to such officer a fee of one dollar (\$1.00). Such affidavit shall be substantially as provided by chapter 2 of the Laws of 1912 relating to non-partisan offices. There shall be no primary election, but the filing of such affidavits shall be a prerequisite to having the name of the candidate placed on the official ballot for the general town or village election. The town clerk and village recorder shall prepare and have printed, at the expense of their respective municipalities, the necessary tally sheets and ballots for such election. The ballots shall be printed on yellow-tinted paper, but without the fac-simile of the signature of the county auditor. The ballots shall contain no party designation of any candidate, and the names of the candidates for each office shall be arranged on the ballot alphabetically, according to the surname of such candidate. The ballots shall be counted, tallied and preserved as in general elections, except that the town clerk or village recorder shall be the final custodian of such ballots, of his respective municipality. A sample ballot shall be posted at the place of election at least two (2) days before such

election by the officer whose duty it is to prepare such ballot. ('13 c. 210 § 2) [360]

**1138. Offenses and penalties—**All of the provisions of laws now in force relating to offenses and penalties in connection with general elections are hereby made applicable to town and village elections. ('13 c. 210 § 3) [361]

**1139. Village or township officers may be elected under Australian ballot system—**The village council of any village or the town board of any township in this state may by resolution or ordinance at least thirty days before the date of any election for village or township officers to be held therein, resolve or ordain that all elections of village or township officers in said village or township shall be held and conducted under the so-called "Australian Ballot System," until otherwise determined by ordinance or resolution by said village council or Town board, and after the adoption of such resolution or ordinance all elections of village or township officers in said village or township shall thereafter be held and conducted under said "Australian Ballot System," as provided by law for general elections in this state, as far as practicable. This shall relate to no preliminaries of such elections except the filing of candidates and the preparation of ballots as hereinafter provided. ('15 c. 315 § 1)

**1140. Filing of candidates and fees—**Candidates for such offices shall file an affidavit at least one week before election with the village recorder or the town clerk, as the case may be, paying to such officer a fee of one dollar (\$1.00). Such affidavit shall be substantially as provided by Chapter 2 of the Laws of 1912, relating to non-partisan officers. There shall be no primary election, but the filing of such affidavits shall be a pre-requisite to having the name of the candidate placed on the official ballot for the general village election. The village recorder shall prepare and have printed, at the expense of their respective municipalities, the necessary tally sheets and ballots for such election. The ballots shall be printed on yellow-tinted paper, but without the fac-simile of the signature of the county auditor. The ballots shall contain no party designation of any candidates, and the names of the candidates for each office shall be arranged on the ballot alphabetically, according to the surname of such candidates. The ballots shall be counted, tallied and preserved as in general elections, except that the village recorder or town clerk, as the case may be, shall be the final custodian of such ballots, of his respective municipality. A sample ballot shall be posted at the place of election at least two (2) days before such election by the officer whose duty it is to prepare such ballot. ('15 c. 315 § 2)

**1141. Registration days to be provided for—**The Village council or town board, as the case may be, may also provide in such resolution or ordinance that there be two registration days preceding every such election, one of which shall be three weeks prior to the election day, and the other one week prior thereto. The board of election may act as the registration board, and such board shall be designated in time to so act. ('15 c. 315 § 2½)

**1142. General election law penalties to be in force—**All of the provisions of laws now in force relating to offenses and penalties in connection with general elections are hereby made applicable to village elections. ('15 c. 315 § 3)

**1143. Australian Ballot System in villages of over 8,000—**All annual village elections for the election of village officers in all villages incorporated and existing under the General Laws of this state, which still maintain a village government, the population of which shall contain over eight thousand inhabitants as ascertained

and determined by the last federal or state census taken pursuant to law, shall be held and conducted as herein provided, and under the so-called Australian Ballot System as provided by law for general elections in this state as far as practicable. ('21 c. 8 § 1)

**1144. Notices—Judges**—The village council shall cause ten days' posted notice of such election to be given, specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. Said council shall also not less than five weeks prior to such election, appoint three judges and two clerks for each voting district of the village, all of whom shall be resident voters of the respective districts for which they are appointed, but no candidates for any village office nor any officer or appointee of the village. They shall be sworn to faithfully discharge their duties as a board of registration and as an election board in their respective districts. If the judges and clerks, or any of them, shall fail to appear or refuse to serve at the appointed hour for opening said registration or said polls, the electors present thereat at said hour may supply their places by viva voce vote, provided that all persons so supplied shall be of the class and shall possess the same qualifications as above provided. ('21 c. 8 § 2)

**1145. Poll lists—Registration**—On Tuesday, four weeks prior to such election, the boards of registration in such villages, shall examine the poll lists used at the preceding general election and make duplicate lists of all the names of all persons in their district whom it knows or can, with reasonable diligence, ascertain to be entitled to vote therein at such election, which names shall be in alphabetical order with their places of residence. At least three weeks before such election, the board shall cause a copy thereof to be posted at each designated polling place. On the Tuesday preceding such election, the board of registration shall remain in session from 8:00 o'clock A. M. to 8:00 o'clock P. M. for the purpose of making corrections in such lists and for the registration of voters not already thereon. Every person qualified as a voter and desiring to vote may register therein, and only the votes of persons whose names are on the list at the opening of the polls shall be received by the judges of election; but any person desiring to vote at the village election whose name does not appear on the list at the opening of the polls and who shall satisfy the election board by proper evidence that he is qualified to vote at such precinct shall be allowed to register on that day and to vote at such election, upon taking an oath that under the constitution and laws of the state he is qualified to vote at such election in such precinct. Except as herein otherwise provided, the laws relating to the registration of voters as found in sections 346, 419 and 420 General Statutes 1913 shall, so far as applicable, apply to and govern the registration of voters for such elections. ('21 c. 8 § 3)

**1146. Candidates shall file—Fee**—Each candidate for such election shall not later than the fourteenth day preceding such election, file his affidavit with the village clerk stating his residence, that he is a qualified elector in such village, and the office for which he desires to be a candidate, and accompany the same with a fee of One Dollar. The filing of such affidavit and the payment of such fee shall be a prerequisite to having his name placed on the official ballot for such election. ('21 c. 8 § 4)

**1147. Ballots**—The village clerk shall at the expense of their respective municipalities, prepare and have printed the necessary registration books, tally sheets and ballots for such election. The ballots shall contain no party designation of any candidate and whenever two or more persons are to be elected to the same

office, their names shall be rotated or alternated on the ballots used in each election district, and that they shall appear thereon substantially an equal number of times at the top, at the bottom, and at each intermediate place, if any, of the list or group in which they belong. The ballots shall be counted, tallied and preserved as in general elections, except that the village clerk shall be the final custodian of such ballots of his respective municipality. A sample ballot shall be posted at each polling place of election at least one week before such election by such clerk. Except as herein otherwise provided, the laws relating to the ballots and supplies as found in Sections 323, 324, 326, 332, 333, 451, 452 and 473, General Statutes 1913 shall, so far as applicable, apply to and govern their preparation, use and preservation. ('21 c. 8 § 5)

**1148. Challengers**—The judges shall allow one voter, selected by each candidate or group of candidates and having a certificate in writing from the candidate or group he represents to remain in the room where the election is held in each election district and the persons so appointed shall have the right to remain with the Board within the railing at the voting place until the votes are canvassed and the results declared, and shall exercise all the powers and duties of challengers at general elections. ('21 c. 8 § 6)

**1149. Polls open from 8 A. M. to 8 P. M.**—The polls shall be kept open from 8:00 o'clock A. M. to 8:00 o'clock P. M. If at the hour of closing there are any voters in the voting place or in line at the door who are qualified to vote, but have not been able to do so since appearing, the polls shall be kept open a sufficient time to vote, but no one not so present shall be entitled to vote, although the polls were not closed when they arrived. No adjournment or intermission shall be had until the polls are closed, all the votes counted, and the result publicly announced, but this shall not be construed to prevent a temporary recess for taking meals, or other necessary purposes, provided the board remains in session and not more than one member thereof is absent at the same time.

Except as herein provided, the laws governing the conduct of general elections and all things pertaining thereto shall insofar as the same is applicable, apply to and govern such annual village elections. ('21 c. 8 § 7)

**1150. General laws apply**—So far as they shall be applicable, all provisions of the general laws relating to the location and arrangement of polling places, peace officers, challengers and gate keepers procuring registers, ballots, boxes and other supplies shall apply. ('21 c. 8 § 8)

**1151. Offenses and penalties**—All of the provisions of law now in force, relating to offenses and penalties in connection with general elections are hereby made applicable to such village elections. ('21 c. 8 § 9)

**1152. Conflicting laws repealed**—That all laws in conflict with the provisions of this act be and the same are hereby repealed. ('21 c. 8 § 10)

**1153. Incorporated villages may be annexed for city and school purposes**—Any incorporated village whose territory adjoins the territory of any incorporated city of the third class operating under a home rule charter, whether such village is in the same county as said city or not, may be annexed to said city and become a part thereof for city and school purposes in the manner herein provided for. ('15 c. 32 § 1)

**1154. Election to be called on petition of ten per cent of voters**—Ten per cent or more of the legal voters of such village, according to the number of votes cast at the last village election, may petition the governing body of such village to call an election for the determination of such proposed annexation, which pe-

tion shall be filed with the clerk of said village. ('15 c. 32 § 2)

**1155. Time and place of election to be fixed by governing body**—Such governing body shall within ten days after the filing of said petition as aforesaid fix a time and place for the holding of an election for the determination of said matter, which time shall not be later than thirty days after the filing of said petition, and which place shall be within the limits of said village. ('15 c. 32 § 3)

**1156. Village clerk to post notices of election**—It shall be the duty of said village clerk to cause a copy of said petition, with a notice attached thereto stating the time and place for holding said election, to be posted in three public places within such village at least ten days before the date of said election. ('15 c. 32 § 4)

**1157. Appointment of judges of election**—Said governing body shall also appoint three residents of said village as judges of election, and said election shall be conducted as far as practicable in accordance with the laws governing village elections. The ballots shall bear the words "For annexation Yes....., No.....," with a space after each of the last two words, in one of which the voter shall make a cross to indicate his choice. Immediately after such election the judges shall canvass the ballots, and forthwith make and file with the village clerk a certificate that they have canvassed the ballots cast at such election, and the number of votes cast for and against said proposition. ('15 c. 32 § 5)

**1158. Governing body to canvass returns**—Within five days after such election said governing body shall meet and canvass the returns of said election. If the canvass shows that the majority of the votes cast were in the affirmative the village clerk shall make a certificate to that effect and attach the same to the original petition together with a copy of the resolution fixing the time and place of said election and proof of the posting of the notices of election herein provided for and forthwith file the same with the city clerk or city recorder of the city to which the village is to be annexed. ('15 c. 32 § 6)

**1159. Governing body to make declaration of annexation**—At any time within twenty days after the filing of said certificate the governing body of said city may by resolution duly passed declare the said village to be annexed to said city and to be a part thereof, a certified copy of which resolution shall be duly filed with the secretary of state and the register of deeds of each county in which said city and village are situated, and thereafter said village shall be annexed to and form part of said city, and all the property and assets belonging to said village shall belong and be delivered to said city, and said city shall assume and be responsible for all the liabilities, obligations and indebtedness of said village. ('15 c. 32 § 7)

**1160. To become part of ward or may be new ward of city**—After such annexation the said village shall be part of such ward or form such new and separate ward as the said resolution annexing it shall specify. ('15 c. 32 § 8)

**1161. To be governed by laws of city and school district**—Such annexed village shall in all respects be governed by the laws governing the city at the time of such annexation, and by all of the laws relating to schools and school districts in said city; and the schools and school property of such annexed village shall be under the control and management of the officers and proper authorities of such city controlling and governing the schools and school property of such city. ('15 c. 32 § 9)

Section 10 made nugatory by 18th Amendment to U. S. Constitution.

**1162. Assessment and payment of taxes**—In all cases where the territory so annexed is situate in a county other than the county in which such city is situate, all city taxes and assessments levied by such city upon the property situate in such other county shall be certified to the county auditor of the county in which such territory is situate and the county treasurer of such county shall pay to such city and to the school officers thereof all city taxes and assessments and the proper city officers shall pay all school taxes to the proper school officers of such city authorized to receive the same. ('15 c. 32 § 11)

**1163. President and trustees to receive annual salary**—In all villages of this state, now or hereafter having, according to the then next preceding federal or state census, a population of more than five thousand inhabitants, or having, according to the state records for the then next preceding year, an assessed valuation of more than one million five hundred thousand dollars, the president and trustees shall receive an annual salary of One Hundred Dollars for their services as such officers. ('15 c. 313)

**1164. Assessors in villages separated from towns**—That all villages in this state that now are or which may hereafter become separated from the town or towns in which any such village is located, shall at the next annual village election elect an assessor, whose powers and duties shall be similar to those of township assessors. ('09 c. 61 § 1) [1247]

**1165. Appointment after separation**—The mayor or president of the village council of such village, after such separation from the township, shall, by and with the consent of the council or governing board thereof, appoint an assessor, who shall hold office until the next annual election. ('09 c. 61 § 2) [1248]

**1166. Board of review**—The officers of such village, corresponding to the officers constituting a board of review in villages incorporated under the general law, shall constitute a board of review. ('09 c. 61 § 3) [1249]

**1167. Two justices**—All incorporated villages within the state, whether incorporated under general or special laws, shall hereafter elect two justices of the peace, whose terms of office, powers and duties, shall be such as are now or may be hereafter prescribed by law. ('11 c. 29 § 1) [1250]

**1168. Appointment**—The common councils or boards of trustees of the said villages shall by appointment, until the next election therein, increase the number of justices of the peace in their respective villages to conform to section 1 of this act. ('11 c. 29 § 2) [1251]

**1169. Hours for polls to be open**—The village council shall cause ten days' posted notice of such election to be given; specifying the time and place thereof, the offices to be filled, and the questions, if any, to be determined by vote. The council shall also, within twenty days of the election, appoint two judges, and one clerk for each voting district of the village; all to be resident voters, but not candidates for any village office. They shall be sworn to faithfully discharge their duties as such, and shall open the polls by proclamation, and keep them open from 9 o'clock a. m. until 5 o'clock p. m. of said day. If the judges and clerk, or any of them, fail to appear or refuse to serve, the electors present at the hour for opening may supply their places by viva voce vote. Provided, that in any village having more than three hundred (300) inhabitants, the village council may by resolution, adopted more than twenty (20) days before any such election, fix the hours for the opening and closing of the polls so that the same shall be open at least eight hours and shall open not later than 12 o'clock noon and close not later than 9 o'clock p. m., and the notice of election shall specify the

hours the polls shall open and close. (R. L. '05 § 712, amended '13 c. 413 § 1; '19 c. 282) [1252]

35-176, 28+144; 83-119, 85+933.

**1170. Returns—Canvassing**—The judges and clerk shall forthwith count the votes cast, proclaim the results, and record the same in a book provided for the purpose. Such book, with the ballots cast, shall thereupon be returned to the clerk. Within two days after the election the council shall meet as a canvassing board, and declare the results appearing from said returns. A plurality of votes shall elect, and in case of a tie the election shall be determined by lot, in the presence of the board, and under its direction. The clerk shall forthwith give written notice to each person chosen of his election to the office named, and shall also certify the results of said election to the county auditor. (713) [1253]

38-222, 225, 37+95.

**1171. Town meeting laws applied—Illegal voting, etc.**—Except as otherwise provided in [R. L.] § 713, all village elections shall be conducted, and the results ascertained, in the manner provided by law for town meetings; and, except as so modified, all laws regulating the holding of town meetings, canvassing and certifying the results thereof, and relating to the duties of judges and clerks of election, and to voting and the challenging of votes, and every statute prescribing or punishing offenses in respect to illegal voting, bribery, fraud, corruption, official delinquency, or other offenses at or concerning elections, which are applicable to town meetings, are hereby extended to village elections. (714) [1254]

38-222, 225, 37+95.

**1172. Special elections**—Special elections may be ordered by the council, upon its own motion or upon the petition of fifty resident voters, of which at least ten days' posted and one week's published notice in a newspaper published in said village, if there be one, shall be given, clearly setting forth the questions submitted. Judges and clerks shall be appointed, the vote taken, and the result ascertained, declared, and certified as in the case of annual elections: Provided, that no proposal so submitted shall be deemed carried without such a majority in its favor as may be required by law in the particular instance; and provided, further, that in case of a tie the proposal shall be deemed lost. (715) [1255]

83-119, 85+933.

**1173. Assessor—Town taxes, etc.**—The assessor shall assess and return all property taxable within the village, if a separate assessment district, and the assessor of the town shall not include in his return any property taxable in such village. (716) [1256]

**1174. Treasurer—Duties, bond, accounts, etc.**—The treasurer shall give such bond as the council may require. He shall collect, receipt for and safely keep all moneys belonging to the village, and shall promptly enter, in a book to be provided for the purpose, an account of all moneys received and disbursed by him as treasurer; showing the sources and objects thereof, with the date of each transaction. He shall pay out no money except upon the written order of the president of the council, attested by the clerk, which orders, being paid and cancelled, he shall retain as his vouchers. Such accounts and vouchers shall be exhibited to the council upon its request and he shall deliver to his successor all books, papers, and money belonging to said village. And at least two weeks before the annual election he shall make out and file with the clerk for public inspection a detailed account of his receipts and disbursements, with the sources and objects of each. (R. L. § 717, amended '11 c. 352 § 1) [1257]

**1175. Financial statement by clerk**—Thereupon the clerk shall prepare a detailed statement of the financial affairs of the village for the preceding year, showing all moneys received, with the sources, dates and respective amounts thereof; all moneys paid, to whom and for what purpose; all outstanding and unpaid orders, to whom issued and for what purpose; all moneys remaining in the treasury; also all other items necessary to accurately show the financial condition of such village. He shall file such statement in his office for public inspection, and shall publish the same at least one week prior to such village election, in a newspaper published in such village to be selected by the village council, and if there be no such newspaper he shall post copies of such statement in three of the most public places in such village. ('11 c. 352 § 2) [1258]

**1176. Money in hands of treasurer of illegally constituted village to be paid into township treasury**—The moneys remaining in the hands of the person acting as treasurer of a village, the incorporation of which has heretofore or shall hereafter be declared to be illegal, shall by said person acting as village treasurer, be paid to the treasurer of the township in which the territory attempted to be included in such village is situate and in case such territory is situate in more than one township, then said money shall be paid to the township treasurers of said townships in such proportion as the assessed valuation of the real estate thereof, formerly included in such assumed, but illegal village, bears to the assessed valuation of all the real estate formerly assumed to be included therein. ('15 c. 57 § 1)

**1177. Clerk—Bond—Deputy**—The clerk shall give bond to the village, conditioned for the faithful discharge of his official duties, in such sum as the council shall approve. With the consent of the council, he may appoint a deputy, for whose acts he shall be responsible, and whom he may remove at pleasure. Such deputy may discharge any and all of the duties of the clerk, except that he shall not be a member of the council. (718) [1259]

**1178. Same—Duties—Compensation**—The clerk shall give the required notice of each annual and special election, record the proceedings thereof, notify chosen officials of their election or appointment to office, and certify to the county auditor all appointments and the results of all village elections. He shall keep:

1. A minute book, noting therein all proceedings of the council, all petitions and communications addressed thereto, all bills presented, and the full titles of all ordinances adopted.

2. An ordinance book, in which he shall record at length all such ordinances, all by-laws, rules, and regulations passed by the council, and all commissions, permits, and licenses issued. And when so recorded, he shall enter upon the margin of the minute book, opposite the record of adoption, a reference to the book and page of such record.

3. A finance book, on which he shall enter all the money transactions of the village, including the dates and amounts of all receipts, and of all orders drawn upon the treasurer, with their respective sources and objects.

He shall act generally as the clerk, recorder, and bookkeeper of the village, be the custodian of its seal and records, countersign its official papers, post and publish notices, ordinances, and the like, and perform such other appropriate duties as may be imposed by ordinance or other direction of the council. For his services he shall receive such compensation as may be fixed at the beginning of his term by resolution of the council. For certified copies, and for filing and entering, when required, chattel mortgages and other



papers not relating to village business, he shall receive the fees allowed by law to town clerks. (719) [1260]

1179. Constables — Duties — Compensation — Constables shall give bonds to the village, to be approved by the council, similar to those required of town constables, and be governed by the same laws. They shall obey all lawful orders of the council, or the president thereof, and diligently enforce all laws and ordinances for the preservation of the peace. They may arrest, with or without a warrant, and forthwith take before a village justice, any person engaged in the commission of a public offense, and may command, if necessary, the assistance of bystanders. They shall receive for their services the same fees allowed to other constables, and, for special services to the village, such compensation as the council may fix. (720) [1261]

1180. Peace officers—The president and the trustees shall be peace officers, and may suppress in a summary manner any riotous or disorderly conduct in the streets or other public places of the village, and may command the assistance of all persons, under such penalties as may be prescribed by the by-laws and ordinances. (721) [1262]

Right of president to earn reward for arrest (114-233, 130+1025).

1181. Justices — Powers — Duties — Fees—Village justices of the peace shall possess all the powers of those elected by the towns, and be governed in the exercise thereof by the same laws, in all respects, except that their official bonds shall run to the village and be approved by the council. They may also hear and determine accusations made against persons for the violation of any ordinance, by-law or regulation of the village, and upon conviction may impose the penalties prescribed. They shall have such other jurisdiction and authority as is by this chapter conferred or implied, and receive for their services the fees allowed by law to justices of the towns provided, that in all cases where a village is situated in more than one county, to justices of the towns; provided, that in all cases large shall have and possess all powers and jurisdiction conferred on justices and constables of the towns in each of the counties in which such village is situated and may issue and serve processes in each of such counties, and shall file their bonds in each of said counties. (R. L. § 722, amended '07 c. 459 § 1) [1263]

93-199, 101+72.

1182. Prosecutions by village—All prosecutions for violation of the ordinances, rules, or by-laws of any village shall be brought in the name of the village, upon complaint and warrant, as in other criminal cases. If the accused be arrested without a warrant, a written complaint shall thereafter be made, to which he shall be required to plead, and a warrant shall issue thereon. The warrant and all other process in such cases shall be directed to the village marshal, or the sheriff or any constable of the county or village, but the marshal shall serve no such process except within the village. (723) [1264]

91-277, 97+972.

1183. Pleading—Evidence—Judgment—It shall be a sufficient pleading of the by-laws, rules, or ordinances of a village to refer to the section and number or chapter thereof. They shall have the effect of general laws within the village, and need not be given in evidence upon the trial of civil or criminal actions. Judgment shall be given, if for the plaintiff, for the amount of fine, penalty, or forfeiture imposed, with the cost; and the judgment shall also direct that, in default of payment, the defendant be committed to the common jail of the county for such time, not exceeding ninety days, as the court shall see fit. The commitment shall state the amount of judgment, the costs, and the period of

commitment. Every person so committed shall be received by the keeper of the jail, and kept, at the expense of the county, until lawfully discharged. The committing court may release the defendant at any time upon payment of such fine and costs. (724) [1265]

83-456, 458, 86+457; 148-1, 180-1021, 91-277, 97+972. In a criminal prosecution it is not necessary to introduce ordinance in evidence (124-493, 145-383).

1184. Appeals—Appeals may be taken to the district court in the same manner as from judgments of justices of the peace in civil actions, but, if taken by the defendant, he shall give bond to the village to be approved by the court, conditioned that, if the judgment be affirmed in whole or in part, he will pay the same, and all costs and damages awarded against him on such appeal. In case of such affirmance, execution may issue against both defendant and his sureties. Upon perfection of such appeal, defendant shall be discharged from custody. (725) [1266]

69-349, 72+564.  
Cited (109-292, 123+809).

1185. Fines, fees, etc.—All fines, forfeitures, and penalties recovered for the violation of any ordinance, rule, or by-law of the village, and all moneys paid for licenses and permits, shall be paid into the village treasury. Every court or officer receiving the same, within thirty days thereafter, shall make return thereof under oath, and be entitled to duplicate receipts therefor, one of which shall be filed with the village clerk. (726) [1267]

1186. Council—Powers — Ordinances—The village council shall be composed of five members, of whom three shall be a quorum, and shall have power to adopt, amend, or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the following purposes:

1. Procedure—Salaries—To regulate the mode of its own procedure, and to fix the compensation of its employees, when not otherwise prescribed.

2. Books, stationery, etc.—To procure the books required to be kept by village officers, and such furniture, property, stationery, and printing as shall be necessary for village purposes.

3. Actions at law—To provide for the prosecution or defence of actions or proceedings at law in which the village may be interested, and employ counsel therefor.

4. Attorney—Street commissioner, etc.—To appoint, when necessary, a village attorney, a poundmaster, a street commissioner, one or more keepers of cemeteries, one or more fire wardens, a marshal, and one or more policemen. Every such appointee shall give such bond as the council may require, conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys by him officially received.

5. Buildings—To control and protect the public buildings, property, and records, and insure the same.

6. Village plat—To renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded.

7. Fire prevention—To establish a fire department, appoint the officers and members thereof, and prescribe their duties; to provide fire engines and other fire apparatus, engine houses, pumps, water mains, reservoirs, and other waterworks; to compel the inhabitants to aid in the extinguishment of fires, and to raze such buildings in the vicinity of a fire as any two or more members of the council present may direct, for the purpose of preventing its communication to other buildings; to establish fire limits within which wooden or other combustible buildings shall not be erected; to require owners or occupants of buildings to provide

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160-M 261  
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and keep on their premises suitable ladders and fire buckets, and, after reasonable notice to, and refusal by, such owner or occupant, to procure and deliver the same to him, and assess the cost thereof as a special tax upon such real estate, to be collected as other village assessments are collected; to regulate the storage of gunpowder and other dangerous materials; to require the construction and use of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village; to authorize fire wardens at all reasonable times to enter into and examine lots, inclosures, and buildings, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and, generally, to take such measures for the prevention or extinguishment of fires as may be necessary or proper.

8. Streets—Sewers—Sidewalks—Public grounds—To lay out, open, change, widen, extend, or vacate streets, alleys, parks, squares, and other public ways and grounds, and to grade, pave, and repair the same; to establish and maintain drains, canals, and sewers, and to alter, widen, or straighten watercourses; to lay, repair, or otherwise improve, or to discontinue, sidewalks, paths, and cross-walks; to prevent the incumbering of streets or other public ways or grounds with vehicles, railway cars or engines, building material, or other substances; to prevent racing or the immoderate riding or driving of animals or vehicles in the village, or the use of sidewalks for other than pedestrian purposes; to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and, in default thereof, to authorize such removal at the owner's expense. But no street or alley shall be vacated except upon petition as in this chapter provided.

To define sprinkling districts and to require owners or occupants of lots or lands abutting on any public street or alley, to pay the proportionate share of the expense of sprinkling with water or oil any such street or alley, and in default of such payment to provide for the assessment of such proportionate share against such lots or lands to be collected as other taxes are collected. (Subd. 8, amended '17 c. 406 § 1)

9. Animals—Rate of speed—Licenses—To restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding, and sale thereof; to establish pounds, and regulate and protect the same; to require the fastening or confinement of animals while in the streets or alleys of the village, and to prescribe the place and manner thereof; to regulate the speed of electric or steam engines or cars running in or through the village; to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large; to license public porters, solicitors, or runners, cartmen, hackmen, omnibus drivers, and guides, and establish regulations for their conduct as such; and to prevent unnecessary noise or other disorder.

10. Markets—To establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

11. To purchase and hold cemetery grounds within or without the village limits, to enclose, lay out, and ornament the same, and to sell and convey lots therein; and such ground so acquired or portion thereof as may be required for that purpose shall be surveyed into lots of such size as the village council shall direct, with such avenue, alleys and walks as they shall deem proper. A map of such survey shall be filed in the office

of the register of deeds of the county of its location; to establish public parks, parkways and walks, and enclose, improve, ornament and protect the same; to appoint a park board and provide for and regulate the setting out and protection of trees, shrubs and flowers in the village or upon its property; and when any parkway is established or improved along the street frontage of private property, the special benefits if any resulting therefrom to lots and parcels of land fronting on such parkway may be assessed against the same and collected as other special assessments are collected. (Subd. 11, amended '19 c. 478; '23 c. 164)

12. Amusements, peddlers, etc.—To prevent or license and regulate the exhibition of circuses, theatrical performances, or shows of any kind, and the keeping of billiard tables, pigeonhole tables, and bowling alleys; to restrain or license and regulate auctioneers, transient dealers, hawkers, and peddlers; and in all such cases to fix the price of said license, and prescribe the term of its continuance, and to revoke such license when, in the opinion of the council, the good order of the village requires it: Provided, that the council, in its discretion, may refuse to grant a license for any of the above purposes, and the term of no such license shall extend beyond the annual election next after the granting thereof.

13. Gaming and other vices—Liquors—To prohibit gift enterprises, all gambling devices, and all playing of cards, dice, or other games of chance or skill for the purpose of gaming; to restrain and punish vagrants, tramps, mendicants, prostitutes, and persons guilty of lewd conduct; to punish drunkenness; and to license and regulate or prohibit the selling, bartering, disposing of, or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to revoke any license for the sale of such liquors already granted whenever the council, after a hearing of the case, shall deem it proper.

14. Libraries—To establish and maintain public libraries and reading rooms, purchase books and periodicals therefor, and make needful rules for the safekeeping and handling of the same.

15. Removal of officers—To remove any officer appointed or elected by the council, whenever, in its judgment, the public welfare will be promoted thereby.

16. Jail—To purchase, lease, or build, and to maintain, a watchhouse or other place for the confinement of offenders against the rules, ordinances, and by-laws, and for the temporary detention of suspected persons.

17. Board of health, etc.—To establish a board of health, with all the powers of such boards under the general laws; to provide hospitals, and regulate the burial of the dead; to define nuisances, and prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous building or place, to remove, abate, or cleanse the same; to direct the location and management of slaughterhouses, and to prevent the erection, use, or occupation of the same, except as authorized; to prevent the bringing, depositing, or leaving within the village of any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome matter therefrom; to provide for the cleaning, and removal of obstructions from, any river, stream, lake, slough, or watercourse within the village; and to prevent the obstruction or retarding of the flow of waters therein, or the fouling of the same.

18. Reservoirs—To provide, and regulate the use of, wells, cisterns, reservoirs, waterworks, and other means of water supply.

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19. Lighting streets—To erect lamp-posts and lamps, and provide for lighting any portion of the village streets or grounds by gas, electricity, or other means.

20. Harbors and docks—To establish harbor and dock limits; to regulate the location, construction, and use of piers, docks, wharves, and boathouses on navigable waters; and to fix rates of wharfage.

21. Taxes—Bonds—Fiscal statement—To levy and collect taxes, including poll tax and assessments, audit claims against the village, and direct orders to issue for their payment; to refund, wholly or in part, any tax or special assessment unjustly or illegally collected; to authorize village bonds to be issued in the cases provided by law; and, generally, to manage the financial concerns of the village. And they shall prepare and cause to be publicly read at the annual village election a detailed statement showing the amount in the treasury at the beginning of the year, when and from what sources all moneys paid into the treasury during the year were derived, and when, to whom, and for what purpose all money expended was paid, with the balance then in the treasury, which statement shall be recorded in the minute book and preserved in the recorder's office.

22. Penalties for violation—To declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offence, and to prescribe penalties therefor: Provided, that no such penalty shall exceed a fine of one hundred dollars, or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period has expired. (R. L. § 727, amended '09 c. 263) [1268]

Subd. 4 (82-420, 85+155), Subd. 5 (110-59, 124+371), Subd. 6 (126-477, 148+466), Subd. 7 (94-128, 102+216), 131-424, 155+397), Subd. 8 (45-4, 47+166; 50-551, 555, 52+931; 83-275, 86+103; 101-197, 112+395, 124-471, 145+377; 124-107, 144+464; 126-477, 148+466; 135-56, 160+190). Subd. 12 (119-145, 137+417; 131-195, 154+964; 124-498, 145+383). Subd. 13 (29-445, 457, 13+913; 33-102, 22+442; 126-505, 148+99; 150-228, 184+967; 134-355, 159+792; See 83-456, 86+457).

For particular powers of the village council and of towns and villages in general, which powers, insofar as they are applicable to all villages, appear under this chapter, or more appropriate headings, special powers not appearing; see the following tabulation:

'15 c. 7, validating bonds for village halls; '15 c. 70, validating contracts for water mains; '15 c. 79, sale and lease of water plant vote; '15 c. 121, annexation of territory; '15 c. 158, validating vacation of streets; '15 c. 180, lighting roads; '15 c. 190, licensing dance halls; '15 c. 240, annexation of territory; '15 c. 248, vacation of streets; '15 c. 320, funding floating indebtedness; '17 c. 35, elections legalized; '17 c. 36, acquiring land for docks; '17 c. 48, oiling streets; '17 c. 62, legalizing bonds for floating indebtedness; '17 c. 136, extending boundaries; '17 c. 172, leasing and selling water works; '17 c. 193, disposition of funds on dissolution; '17 c. 203, connecting with water and sewer systems; '17 c. 268, legalizing indebtedness; '17 c. 273, preparation for public music; '17 c. 296, legalizing dissolution; '17 c. 336, issuance of bonds; '17 c. 364, authorizing pavements; '17 c. 415, changing names of streets; '17 c. 453, consolidation of school districts; '19 c. 4, relief of tornado sufferers legalized; '19 c. 10, legalizing construction of sewers; '19 cc. 14, 192, employment and removal of soldiers, sailors and marines; '19 c. 38, employment of health nurses; '19 c. 146, levy for musical entertainments authorized; '19 c. 191, salary of president and supervisors in certain villages fixed; '19 c. 197, acquisition of land for park purposes; '19 c. 280, modification of conditions of deed to school; '19 c. 281, providing tire racks and parking space; '19 c. 313, sale of surplus electricity; '19 c. 421, detachment of territory; '19 c. 429, operation of ferry boats; '19 c. 451, issuance of bonds by village in forest fire district; '19 c. 459, creation of fire zone; '19 c. 525, erection of armories; '21 c. 3, incorporation legalized; '21 c. 8, use of Australian ballot at village election; '21 c. 26, payment of compensation to injured employees; '21 c. 30, appointment of street commissioner; '21 c. 34, warrants validated; '21 c. 50, proceedings and assessments for street improvements legalized; '21 c. 59, levy of interest on water mains legalized; '21 c. 75, villages authorized to oil state highways; '21 c. 92, villages authorized to erect poles and string wires; '21 c. 94, vacation of streets; '21 c. 108, villages authorized to provide for municipal heat-

ing plants; '21 c. 110, notices of claims legalized; '21 c. 133, village council authorized to employ health nurses; '21 c. 151, proceedings to establish electric plants legalized; '21 c. 195, establishment of sewer districts legalized; '21 c. 211, recording of plats; '21 c. 236, construction of swimming piers and payments therefor legalized; '21 c. 295, extension of sewer systems authorized; '21 c. 308, appropriations legalized; '21 c. 319, domestic animals running at large; '21 c. 331, assessments for water systems; '21 c. 373, assessments for musical entertainments; '21 c. 417, tax levy limited; '21 c. 420, reimbursement of village or town for poor expense; '21 c. 425, laying of water mains and assessment of benefits; '21 c. 454, imposition of wheelage tax; '21 c. 457, contracts legalized; '21 c. 463, consolidation of villages; '21 c. 469, hospitals in villages; '23 c. 22, village indebtedness legalized; '23 c. 29, erection of light and power system; '23 c. 57, appropriation by towns for county roads; '23 c. 81, validating indebtedness; '23 c. 135, purchase and redemption of outstanding bonds; '23 cc. 157, 169, appropriation by town boards for county roads; '23 c. 178, correction of plats; '23 c. 179, pensions for members of volunteer fire departments; '23 c. 188, establishment of election district by town; '23 c. 229, village having no railroad connections, but on navigable waters, may establish docks; '23 c. 236, special tax for water mains; '23 c. 237, license for the establishment of tuberculosis sanitarium, etc.; '23 c. 250, incorporation of villages legalized; '23 c. 259, appropriation and taxation in villages; '23 c. 277, establishment of tourist camps; '23 c. 325, establishment of war memorials; '23 c. 352, detachment of territory from village, and annexation to city of first class; '23 c. 374, appropriation for ferries; '23 c. 378, licensing of eating houses; '23 c. 380, water mains.

1187. Licensing amusements, peddlers, etc.—Fifteen. To prevent or license and regulate the exhibition of caravans, circuses, mountebanks, theatrical performances or shows of any kind; to prevent or license and regulate the keeping of billiard tables, pool tables, pigeon hole tables, bowling saloons and all other games and devices; to restrain or license, regulate and tax auctioneers, hawkers and peddlers; and in all such cases they may fix the price of said license or tax, and prescribe the term of the continuance of such license, and may revoke such license when in the opinion of the village council the good order of the public interests of the village require it; provided, that the council may in any case where in their opinion, the public interests of the citizens of the village require it, refuse to grant any license for the above purposes, and provided, also, that twenty-five dollars a day shall be construed by the courts of said state as a reasonable price per day for an auctioneer's license issued under the above provision. The term of no such license shall extend beyond the annual election of officers next after the granting thereof. (G. S. 4894 § 1224 subd. 15, amended '05 c. 138 § 1) [1269]

Historical—G. S. 1894 § 1224 subd. 15 was 1885 c. 145 § 21 subd. 15, as amended by 1889 c. 122 § 2. 124-498, 145+383; 150-228, 184+967.

1188. Council to license public dance halls—That the village council of any village shall have power by ordinance to license and regulate the keeping of public dance halls and the holding of public dances therein, as the same now are or may hereafter be defined by law; provided that such village council may in its discretion permit any lodge or society, not organized or maintained for profit, to conduct public dances without being licensed as herein provided. ('15 c. 190)

For general regulations of public dancing places and public dances see '23 c. 139.

1189. Sewers and drains—Bonds—That all villages now organized under the General or Special Laws of this state, shall have the power and authority to build and construct any and all necessary sewers and drains in any such village, and to build and construct all necessary outlets for the same outside the limits of any such village, and raise money for the payment therefor by issuing the negotiable bonds of any such village, provided, that the question of building and constructing such sewer and drains and necessary outlets therefor, shall first be submitted to the vote of the people of said village in the same manner as now provided by law in chapter 10, Revised Laws 1905, for the issuance of municipal bonds. That such bonds may be issued in

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any sum not exceeding the sum of twenty thousand dollars, anything in the charter of said village or in any law of this state which may prohibit the issuing of any bonds in excess of any specified percentage of the taxable property in said city to the contrary notwithstanding. ('07 c. 279 § 1) [1270]

The provisions of R. L. 1905 c. 10, are included in chapter 10 hereof.

1190. Same—Provisions applicable—The provisions of chapter 10, Revised Laws 1905, shall apply to and govern the issuance of any bonds herein provided for, except as modified in this act. ('07 c. 279 § 2) [1271]

The provisions of R. L. 1905 c. 10, are included in chapter 10 hereof.

1191. Free musical entertainments—That the village council of any village of this state is hereby authorized to expend an amount not exceeding fifty dollars annually for free musical entertainment for the public. The said council is hereby authorized to audit the bills for such expenses and allow an order for the payment of the same. ('05 c. 263 § 1) [1272]

1192. Tax for entertainment—That the village council of any village in this state is hereby authorized to annually levy a tax of not to exceed one mill against the taxable property in such village for the purpose of providing musical entertainment to the public in public buildings or on public grounds; provided, however, that in any such village the total sum that may be levied or expended in any one year shall not exceed the sum of five hundred dollars (\$500). ('17 c. 273 § 1, amended '19 c. 146; '21 c. 373)

1193. Change of name of village—That the name of any incorporated village in this state may be changed to the same name as the post-office therein, by an ordinance of such village so declaring, duly and legally adopted by the council thereof, whenever the name of such village as incorporated is different than the name of the post-office in such village, as designated by the United States postal authorities. ('13 c. 493 § 1) [1273]

1194. Effect—Upon the filing of a certified copy of such ordinance with the county auditor of the county in which such village is located, and with the state auditor and secretary of state, the name of such village shall be changed as in such ordinance provided. Such change in name shall in no way affect any liability, obligation, power, duty, law or ordinance, or other matter or thing in any way relating to such village, excepting that the new name of such village shall thereafter be substituted for and used in place of its old name. ('13 c. 493 § 2) [1274]

1195. Meetings of council—Compensation, etc.—Regular meetings of the council shall be held at such times as may be prescribed by the by-laws. Special meetings may be called by two members by writing filed with the clerk, who shall notify the members of the time and place thereof in the manner prescribed by the by-laws. The president, and in his absence any trustee whom the council may select, shall preside, and all meetings shall be open to the public. The council may preserve order at its meetings, compel the attendance of members, and punish non-attendance, and shall be judge of the election and qualification of its members. The president and trustees shall receive one dollar for each day employed as such officers, not to exceed ten dollars in any year. (728) [1275]

1196. Ordinances, how enacted—All ordinances, rules, and by-laws shall be enacted by majority vote of all the members of the council, shall be signed by the president and attested by the clerk, and published once in a newspaper in the county, or; if there be none such, shall be posted in three conspicuous places in the village. Proof of such publication, by affidavit of the printer or foreman in the office of said newspaper, or

of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance, and the same shall be prima facie evidence of the facts therein stated. All ordinances shall be suitably entitled, and in this style: "The village council of ..... do ordain as follows." (729) [1276]

See following section. 82-420, 85+155.

1197. Publication—Effect—All ordinances, rules, and by-laws shall be enacted by a majority of all the members of the village council, and shall be signed by the president, attested by the recorder, and published once in a newspaper published in said village; and if there be no newspaper published in said village, then such ordinances shall be published once in a newspaper published in the county in which said village, or the larger part of its territory, shall be situated; and if there be no newspaper published in said village, or in said county, then by posting them conspicuously in three of the most public places in said village for ten days, and shall be recorded in a book kept for that purpose. Proof of such publication by the affidavit of the printer or foreman in the office of such newspaper, or of such posting by the certificate of the village recorder, shall be attached to and filed with such ordinance or by-laws, and noted on the record thereof, and shall be conclusive evidence of the facts stated. All ordinances shall be suitably entitled, and in this style: "The village council of ..... do ordain as follows." All authorized ordinances and by-laws shall have the force of law, and remain in force until repealed. ('85 c. 145 § 49, amended '05 c. 26 § 1) [1277]

1198. Execution of instruments—Every contract, conveyance, license, or other written instrument shall be executed on the part of the village by the president and clerk, with the corporate seal affixed, and only in pursuance of authority therefor from the council. (730) [1278]

1199. Contracts—Members excluded—Bids — No member of a village council shall be directly or indirectly interested in any contract made by such council, and every violation hereof shall be a misdemeanor. And all contracts involving an expenditure of one hundred dollars or more, if not to be paid from road or poll tax, shall be let to the lowest responsible bidder, after public notice of the time and place of receiving bids. (731) [1279]

Curative—See 1909 c. 186, legalizing certain contracts made with members of the council.

45-4. 8. 47+166; 73-146. 75+1042; 93-336, 101+495. Failure to comply with the statute as to letting contract (98-265, 107+815).

Cited (139+599). See also 148-273, 181+584.

1200. Control of streets—Each village shall constitute one road district, over which the officers of the town in which it is situated shall have no control. All poll and other road taxes raised within the village shall be expended under the direction of the council. But the county or town board may make such appropriations from its road fund as it shall deem proper for the construction or repair of bridges within such village. (732) [1280]

38-186, 188, 36+454. 83-275, 86+103. 1201 204-NW 537 133-270, 158+392. 23-GS 8244

1201. Vacating streets—On petition of a majority of the owners of land abutting on any street or alley or any part thereof, in any village, the council may by resolution vacate the same or any part thereof, if it shall appear for the interest of the public so to do, first giving one week's published and posted notice of a hearing to be had thereon. A certified copy of such resolution may be filed for record with the register of deeds. (R. L. § 733, amended '09 c. 381 § 1) [1281]

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A resolution vacating a street held void, in absence of evidence of compliance with G. S. 1894, § 1246 (114-293, 131-330). 129-261, 152-412.

Certain vacations legalized, '11 c. 178; '15 cc. 158, 248.

**1202. Change of name of village streets authorized**—The village council of any village in this state, whether organized under a general or special law, may by ordinance or resolution duly enacted, change the name of any street or streets in said village. ('17 c. 415)

**1203. Benefit assessments—Cost of land, etc.**—The cost of laying out, widening, extending, or opening any street, lane, alley, square, or other public ground or place, of constructing, opening, altering, enlarging, or extending any drain, canal, or sewer, of widening or straightening any watercourse, or of improving any harbor, by any village governed by this chapter, including all damages and expenses incurred by the village in acquiring lands for such purposes by condemnation or otherwise, may be assessed, by a majority vote of the village council, upon such property within the village as it shall determine to be specially benefited by the improvement. (734) [1283]

Cited (101-197, 112+395).

**1204. Certain village ditch proceedings legalized**—Where the village council of any village of this state, in pursuance of subdivision 8 of section 1268 of the General Statutes of Minnesota for the year 1913, and section 1283, General Statutes of Minnesota for the year 1913, have established and constructed, or attempted to establish and construct, any ditch or drain, all the proceedings for the establishment and construction of such ditch or drain are hereby legalized and made valid, and any assessments or liens levied or created or attempted to be levied or created against the lands benefited by the construction thereof for the cost of the establishment and construction of the same, are hereby legalized and declared to be valid and of full force and effect and a lien against said lands until paid, and all warrants issued under and pursuant to said subdivision of said section 1268 and said section 1283 or either of them are hereby validated. ('17 c. 414 § 1)

**1205. Street improvements**—The council of any such village may cause any street therein, or any part thereof to be graded, paved, or otherwise improved, or any sidewalk, sewer, or gutter to be built, upon a petition therefor signed by a majority of all owners of real estate bounding both sides, and by the owners of at least one-half of the frontage of the street or part of street to be improved, or may order any sewer to be built on any street or part of a street, or any sidewalk or gutter to be built on one side of a street or part of a street, upon like petition, if signed by the owners of at least one-half the frontage on such side of said street or part thereof to be so improved; and, without any petition, it may order any sidewalk, sewer or gutter previously built to be put in repair, or rebuilt, when necessary, and may also, upon petition, cause any street or part of street to be sprinkled when deemed necessary. The cost of such improvement or sprinkling, or any part thereof not less than half, may be assessed and levied, by resolution of the council, upon the lots or parcels of ground fronting on the street, part of street or side thereof, so improved or sprinkled and most benefited thereby. (R. L. '05 § 735, amended '11 c. 324 § 1; '15 c. 153)

124-471, 145+377.

**1206. Deficiency—Installments**—If the tax so levied proves insufficient to pay the cost, or the proportion thereof assessed to such property, the council may levy an additional tax thereon to make good the deficiency. And if the petitioners for the improvement so request in their petition, the council, in its discretion, may make such assessment payable in five annual in-

stallments, and may issue and sell bonds for the aggregate of such installments, the proceeds thereof to be used in paying for the improvement. (736) [1285]

**1207. Mode of assessment—Collection**—The assessments authorized in [R. L.] §§ 734-736 shall be made by resolution of the council, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known, and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessment, or any part thereof. On October 10 next following, if any of the assessments be not previously paid to the village treasurer, the clerk shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall be enforced, collected, and paid over to the village treasurer as in the case of other village taxes: Provided, that the owner of land assessed for a sidewalk improvement may discharge such assessment by laying or repairing the walk to the satisfaction of the council. (737) [1286]

124-471, 145+377.

**1208. Villages incorporated under Special Laws given authority to sprinkle or oil streets**—The provisions of Sections 1284, 1285 and 1286, General Statutes 1913 [1205-1207], relating to the sprinkling or oiling of streets in villages organized or re-organized under the provisions of Chapter 9 of said General Statutes and the assessment of the cost of such sprinkling and the levy of taxes to pay the whole or a portion of such cost and the payment and collection of such assessments, all as provided for in said sections, shall extend to and be applicable in all villages incorporated under any special law or laws of the state. If the village council of any such village shall cause any street or part of street therein to be sprinkled, it shall proceed in accordance with the provisions of said sections, anything in the charter of such village, or any special law of the state to the contrary notwithstanding. ('17 c. 48)

**1209. Sewers in villages in certain counties**—Whenever the state board of health shall deem necessary for the preservation of public health, that sewers be constructed in any village in any county in the state of Minnesota now or hereafter having a population of two hundred and seventy-five thousand or over, according to the then last preceding official national or state census, and shall so recommend to the village council, or other governing body of such village, such village council or other governing body may, by ordinance passed by the affirmative vote of at least three-fifths of all members thereof, and are hereby authorized and empowered to, construct such sewers and appurtenances thereto as the state board of health may recommend; to assess the property specially benefited thereby, and without any further authority may issue and sell bonds for the payment of the same; provided, that no contract for the construction of the same, or any part thereof where the expenditure will be more than one hundred dollars, shall be entered into, unless an advertisement shall be published for bids on the same, to be published at least once each week for three successive weeks, and the village council or other governing body shall have authority to prescribe such terms and conditions relative to the making of such bids for such contracts and relative to the security which each bidder shall be required to deposit with such bid, as such

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council or other governing body shall deem expedient and proper, and they shall have authority to reject any and all bids. ('09 c. 363 § 1) [1287]

**1210. Bonds, how issued and sold**—The bonds of any such village, issued pursuant to the terms of this act, may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of at least three-fifths of all the members of the village council, or other governing body of such village, and at such place or places, and in such installments as may be provided in such resolution or ordinance, and shall bear interest at not to exceed five per cent per annum, and no such bonds shall be issued so as to make the aggregate of such bonds for which such village may be liable at any one time to exceed the sum of fifteen mills for each dollar of the assessed valuation of the taxable property in such village. Such bonds shall be sealed with the seal of the village issuing them, and be signed by the president and the village recorder, and such bonds shall not be sold for less than par value and accrued interest, to the highest responsible bidder after notice published once each week for three successive weeks in some newspaper published in the county in which the village is situated. ('09 c. 363 § 2) [1288]

**1211. Proceeds, how used**—None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, which purpose shall be distinctly set forth in the ordinance or resolution authorizing the same. ('09 c. 363 § 3) [1289]

**1212. Limitation of indebtedness**—None of the bonds of any such village, issued pursuant to the terms and provisions of this act, shall be deemed or taken to be a part of the indebtedness of such village within the purview of any law limiting the amount of the bonded or other indebtedness of any such village, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such village. Nevertheless, the full faith and credit of every such village is pledged to the full payment of all such bonds and interest. ('09 c. 363 § 4) [1290]

**1213. Assessment for benefits**—Such village council or other governing body shall have the power and authority to assess the property specially benefited by the construction or extending of such sewer for the cost of the same, or any portion thereof, including all damages and expenses incurred by such village in construction of such sewer and appurtenances, together with cost and expense of acquiring lands for such purposes, by condemnation or otherwise. ('09 c. 363 § 5) [1291]

**1214. Same—Assessments, how made**—The assessments authorized by this act shall be made by resolution of such council or other governing body, setting forth the purpose thereof, a description of each lot or parcel benefited, the name of its owner, if known and the amount assessed thereon. Two weeks' published and posted notice shall be given of the contents of such resolution, and of the time when the council will attend at its usual place of meeting to hear objections to the assessment, or any part thereof. At such time and place the council or other governing body shall consider all objections made, and for that purpose may adjourn from day to day, not exceeding three days, and by resolution may modify such assessments or any part thereof. On October 10th next following, if any of the assessments be not previously paid to the village treasurer the recorder shall certify the same to the county auditor, who shall extend all such unpaid amounts against the lands assessed, and the same shall be enforced, collected, and paid over to the village trea-

surer as in case of other village taxes. ('09 c. 363 § 6) [1292]

**1215. Road labor**—Every male inhabitant in any village in this state organized and operating under general laws, between the ages of twenty-one and fifty years, except paupers, insane persons and others exempted by law, shall be assessed not less than one nor more than four days' labor in each year. ('09 c. 189 § 1) [1293]

**1216. Same—Number of days' labor, how determined**—Within twenty (20) days after the annual village election, the village council or governing board shall meet and determine by resolution the number of days of road labor to be assessed against the persons liable therefor in said village for the ensuing year, and shall make a list of all persons in said village liable for road labor, and shall place opposite the name of each person thereon, the number of days of road labor assessed against him, and such list shall be signed by the president and clerk or recorder of such village, and filed with the clerk or recorder thereof, who shall deliver a certified copy thereof to the street commissioner of such village. Such street commissioner may add the names of persons omitted from such list and all new residents that are liable for road labor to the certified copy in his hands, and thereupon such persons shall be liable for the number of days' road labor fixed by such resolution, the same as if their names had been placed on such list before the same was made and filed. ('09 c. 189 § 2) [1294]

**1217. Notice—Commutation for labor**—The street commissioner shall give at least three days' notice to all the persons assessed for road labor, of the time and place when and where they shall appear for work and with what tools. Such persons may appear personally or by able-bodied substitutes, or they may elect to commute for the same or some part thereof. Commutation for labor shall be at the rate of \$1.50 per day, to be paid to the street commissioner within two days after notice to appear for work. All moneys paid to the street commissioner for labor commuted shall be at once paid by such street commissioner into the village treasury and shall be credited to the road and bridge fund of said village. ('09 c. 189 § 3) [1295]

**1218. Same—Annual report of street commissioner**—On or before December 1st in each year, the street commissioner shall render to the village council or governing board of such village, a report in writing containing:

1. The names of all persons assessed to perform road labor with the number of days each has worked.
2. The names of all persons who have commuted and the amount received for such commutation.
3. The names of all persons who have been fined and the amount of each fine, and whether the same has been paid.
4. An itemized account of all moneys paid out by him and the balance remaining in his hands.

He shall then pay over the balance to the village treasurer to be credited to the road and bridge fund of said village. ('09 c. 189 § 4) [1296]

**1219. Failure to perform labor—Penalty**—Every person assessed to perform road labor in any such village on roads and streets thereof who neglects to appear and perform such labor when duly notified and does not pay his commutation therefor, shall be guilty of a misdemeanor and upon conviction shall be fined not less than five nor more than twenty-five dollars. ('09 c. 189 § 5) [1297]

**1220. Prosecution**—When no satisfactory excuse is rendered to the street commissioner for such neglect or refusal, he shall within nine days after notice has been served, as herein provided, make a complaint to a

justice of the peace of such village, and if there be none in such village, then to some justice of the peace of the county in which the village or some part thereof is situated, who shall forthwith issue a warrant directed to the sheriff or any constable of the county, requiring him to arrest such citizen and bring him before such justice to be dealt with according to law. ('09 c. 189 § 6) [1298]

1221. Disposal of fines—All fines collected under the provisions of this act shall be paid by the justice of the peace into the village treasury of the village in which the offense was committed and credited by such village treasurer to the road and bridge fund of such village. ('09 c. 189 § 7) [1299]

1222. Claims, how audited and paid—Interest—No money demand against such village shall be paid until audited and allowed by the council, nor otherwise than by an order drawn upon the treasurer therefor. Such demand shall be made out in items, and be verified by an attached affidavit that the claim is just and correct, and that no part of it has been paid. The clerk shall indorse thereon the word "Disallowed," if such be the fact, or, "Allowed in the sum of \$.....," if approved in whole or in part; specifying in the latter case the items rejected. Such accounts and affidavits shall be filed by the clerk, and consecutively numbered throughout the year. Each claim allowed shall also bear the number of the order drawn for its payment, and the clerk shall take and preserve a receipt for each order issued. Orders presented to the treasurer and not paid for want of funds, shall be so marked, and paid in the order of their presentation, and shall bear interest at the rate of six per cent from the date of such presentation. (738) [1300]

Cited (119-60, 137+192)  
Does not apply to claims for damages to land on account of change of grade of a street. (142-94, 170+924; 143-269, 173+224; 151-206, 186+306).

1223. Taxpayer's appeal—No order shall be issued or signed for the payment of any claim until ten days after the allowance thereof, within which time any five taxpayers of the village may appeal from such allowance to the district court of the county. To effect such appeal, they shall pay to the clerk a fee of fifty cents, and serve upon him a notice setting forth the fact of the appeal, the claim referred to, and the date and amount of its allowance, and thereafter no order shall issue until the appeal is determined. The clerk shall forthwith file the copy of notice served, and transmit to the clerk of said court the original affidavit and claim, with a certified copy of the minutes of all council proceedings relating thereto. Upon proof being filed with said clerk of the service of said notice, the court shall have jurisdiction of said claim, and of the parties thereto. Such appeal shall be tried and determined in the same manner as appeals from a decision of the county board. (739) [1301]

1224. Financial report—The council shall make an annual report showing the items and nature of all accounts, and to whom allowed, together with a detailed statement of the financial concerns of the village. Such report shall be filed with the clerk, and a copy shall be posted at the time and place of the annual election. (740) [1302]

1225. Tax levy—Annually on or before September 15 the council shall determine by resolution the amount of corporation taxes to be assessed, which shall not exceed two per cent. of the assessed valuation of the property taxable in the village. Before levying a tax for any special purpose, the council may submit the question of levying the same to the voters at a general or special election, and it shall be bound by the vote thereon. On or before October 10 in each

year the clerk shall certify all such resolutions to the county auditor. (741) [1303]  
61-233, 63+628.

1226. Dissolution, how accomplished—Any village governed by this chapter may be dissolved by a majority vote of its electors, cast at a special election called for that purpose. Such election shall be duly held whenever a number of the voters equal to one-third of those voting at the preceding village election shall petition the council therefor. The ballots used shall bear the printed words "For dissolution," and "Against dissolution," with a square after each, in which the voter may indicate his preference by a cross. The election shall be called and conducted, and the result thereof certified to the county auditor, as required in the case of a vote upon a proposed issue of town or county bonds. If the dissolution be carried, the auditor shall certify the vote to the state auditor and to the secretary of state, and at the end of six months after the date of such election the village shall cease to exist as such. (742) [1304]

Dissolution of certain villages where result of election was not certified as required, legalized, '17 c. 296.

1227. Settlement of affairs—Within said six months the council shall dispose of the village property, adjust all claims against the village, settle with the treasurer and other village officers, and cause the assets of the village to be applied to the payment of its debts. If anything remain, it shall designate the manner in which the same shall be used, and, if any debts be unpaid, shall levy a tax sufficient for such payment, the proceeds of which, when collected, shall be paid by the county treasurer to the creditors in proportion to their several claims until all are discharged. (743) [1305]  
125-280, 146+974.

1228. Funds of dissolved village corporations—That whenever any village heretofore existing under the laws of this state shall have been dissolved in the manner provided by Sections 1274 and 1275 Revised Laws of Minnesota for 1905, and the council of any such village shall have wholly failed and neglected to designate the manner in which the money assets of such village remaining after the payment of all the debts of such village, and the settlement with the treasurer and other officers thereof, shall be used or otherwise disposed of, and funds belonging to said village shall remain in the hands of the last treasurer of said village, or to the credit of the treasurer of such village, or to the credit of such village, in the bank where such funds were on deposit at the time of the dissolution of such village, such treasurer or the bank where such funds were on deposit at the time of the dissolution of such village, is hereby authorized and directed to forthwith pay over all of such funds to the county treasurer of the county in which such village was located, and the receipt of such county treasurer shall be full and final receipt and release for such funds. That upon the receipt of any such funds as hereinbefore provided, the county treasurer and county auditor of such county shall credit such funds to such village on the books of their respective offices, and within six months thereafter the county auditor of such county shall draw his warrant in favor of the township in which such village so dissolved was located, for the full amount so received by such county treasurer for the credit of such village, after deducting from the amount so received such overdrafts or other sums as may be due to such county from said village for tax refunds or otherwise, and said county auditor shall forthwith deliver such warrant to the treasurer of such township, who shall credit the proceeds thereof to the general fund of such township. ('17 c. 193 § 1)

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**1228½ Not to affect actions already commenced**—This act shall not affect any action now pending involving any such funds as are hereinbefore referred to. ('17 c. 193 § 2)

R. L. 1274-1275, above referred to, related to motor vehicles.

**1229. Water and light plants**—Any village, whether governed by this chapter or otherwise, may erect water-works, (and) lighting plants and heating plants, for supplying water, (and) light and heat for public purposes, or for the private use of its inhabitants, or both, and may conduct and control the same, and fix and collect proper and uniform charges for such private supply, or it may purchase or lease any such works or plant already erected, and operate the same for the purposes aforesaid. But no such erection, purchase, or lease shall be made without approval by the voters of the village, such as is required by law for the issuing of village bonds for like objects. The proposal so to do, and a proposal to issue bonds to raise money therefor, may be submitted either separately, or as a single question. (R. L. § 744, amended '13 c. 486 § 1) [1306]

73-225, 230, 75+1050; 83-275, 86+103; 93-336, 101+495.

**1230. Water, light and heating plants—Purchase—Bonds**—Any village in this state wherein is now constructed a public water, light and heat plant, or water or light or heating plants, not owned by the village, may by resolution or ordinance of the village council, passed and approved in the usual manner, purchase such plants or any of them and issue bonds running not to exceed twenty years and bearing interest not to exceed five per cent per annum, payable semi-annually, for the purchase price or any part thereof and secure the same by lien in the form of a mortgage securing payments of the bonds upon the plant so purchased and extensions thereof and additions thereto. A written contract pursuant to and in addition to the resolution or ordinance may, if desired, be entered into between the village through its president and recorder and the persons or corporation selling the plant. ('09 c. 15 § 1) [1307]

**1231. Submission to electors**—Before such resolution or ordinance or contract shall take effect the same shall be submitted to the village electors at a regular village or state or special election and approved by two-thirds of those voting thereon. The ballots may be substantially as follows, to-wit: "For the purchase of a water, light and heating plant" (or the plant which is proposed to be purchased); or "Against the purchase of a water, light and heating plant" (or the plant which is proposed to be purchased). ('09 c. 15 § 2) [1308]

**1232. Price, how paid**—Any part of the purchase price may be paid in cash, and it may if desired be provided in the bonds that any bond may be paid at any interest day, at the option of the village. ('09 c. 15 § 3) [1309]

**1233. Power to employ attorney**—The village council may, if desired, employ attorneys for consultation in regard to said ordinance, contract and bonds. ('09 c. 15 § 4) [1310]

**1234. Bonds or loan from state**—The bonds so voted may be sold to the highest bidder for not less than par or a loan obtained from the state of Minnesota in the manner provided by law for the loan of state funds to the amount thereof or for a less amount and the amount to be paid for such plant in cash from the proceeds if such course be deemed desirable by the village council, or partly in cash and partly by the issue of bonds secured on the plant as hereinbefore provided. ('09 c. 15 § 5) [1311]

**1235. Operation of plants**—After such plant is acquired, the village council shall make all necessary rules and regulations for the protection, maintenance

and operation thereof, and the sale of its product and use of the proceeds which shall not be expended for any purpose not connected with such plant, until such bonds are paid. ('09 c. 15 § 6) [1312]

**1236. Water-works—Special tax for mains**—The village council of any village now or hereafter having a water-works system shall have power to levy a special tax upon all property especially benefited thereby, in front of which any water-main shall be laid. ('11 c. 346 § 1) [1313]

**1237. Payment of installments**—The same may be divided up into five annual installments and shall not exceed the sum of one dollar and seventy-five cents per lineal foot of pipe laid in front of each lot or parcel of land, against each tract of land, such installments to bear interest at the rate of six per cent per annum from the date of confirmation of such assessment until paid, and the same shall be a lien upon such land from the time the tax is levied by the village council as hereinafter provided; provided, however, that no lot or parcel of land shall be subject to such tax after five annual assessments have been levied, except as hereinafter provided. ('11 c. 346 § 2; amended '21 c. 72; '23 § 236) [1314]

Levy of interest on installments, validated, '21 c. 59.

**1238. Petition—Service-mains**—The village council shall proceed to act upon the petition of three or more owners of lots or of a majority of the frontage, where the same is unplatted, fronting on any street or block, where it is proposed to install such water-mains. In case of a service-main to connect either with the water-system of such village, or any adjoining municipality as hereafter authorized the village council may proceed upon its own motion. ('11 c. 346 § 3) [1315]

**1239. Notice—Hearing—Assessment and levy**—The village council in either of such cases shall fix a time and place for the hearing, and of the proposed tax levy of such water frontage tax for the hearing of all objections thereto, and give two weeks published notice thereof in accordance with the prescribed method of publication of ordinances of such village council.

At the time and place so fixed in such notice, the council shall meet and hear any objections thereto and determine whether such improvement is necessary or proper, and shall then make an assessment upon all property so fronting on such proposed water-main subject to such levy, which assessment shall state the amount levied per front foot, the name of the owner or reputed owner and the legal description by which said land is known.

Such assessment and levy shall thereupon be filed with the village clerk and a two weeks published notice of the time and place shall be given in the same manner heretofore provided, when the said council will meet, hear, and determine any objections to such levy. At such time and place so fixed, the council shall meet and hear all persons; and may adjourn from time to time not exceeding three days, unless the hearing of such objections thereto shall not then be completed, in which case it shall continue in session daily until such hearing may be completed. On such hearing it may in any manner modify its levy as may appear proper. ('11 c. 346 § 4) [1316]

**1240. How extended and collected**—On or before the 10th day of October thereafter, the village clerk shall make up and file a statement duly certified to by him, showing the frontage tax assessment so levied against each piece or parcel of land, with the county auditor, of the county in which said village is situated, as special taxes to be by him extended and collected against said land, and thereupon such auditor shall extend the same on his tax-rolls against such property, and shall collect, enforce and pay over the same to the village



treasurer of such village in the same manner as all other village taxes. ('11 c. 346 § 5) [1317]

1241. **Disposition of money**—All moneys so collected on account of such frontage tax, shall be kept separate and distinct for the purpose of constructing and paying for any water-mains, or any bonds that may have been issued for such purpose, in accordance with this act. ('11 c. 346 § 6) [1318]

1242. **Bonds—Deficiency tax**—If the village council shall determine such to be necessary it may when lawfully authorized by the voters of such municipalities bond, for the aggregate of such installments of frontage tax, drawing not to exceed five per cent interest per annum, and payable within fifteen years from date of issue payable on or before the due date thereof out of such frontage tax or any other revenues derived from the water fund of such village, applicable thereto, the proceeds of such bonds to be used for the installation of such water-mains.

Should the frontage tax levied at the outset prove insufficient to pay for such improvement, or the bonds issued in payment therefor, then a deficiency tax for such frontage may be levied, which including the first tax levied shall not exceed in the aggregate the full amount of twenty cents per running foot, for five years annually. Such bonds if issued shall not be counted as a part of the bonded debt of such village, but the faith and credit of such village shall be pledged for the payment thereof.

Should the frontage tax levied at the outset prove insufficient to pay for such improvement, or the bonds issued in payment therefor, then a deficiency tax on such frontage may be levied, which including the first tax levied shall not exceed in the aggregate the full amount of ten cents per running foot, for ten years annually. Such bonds if issued shall not be counted as a part of the bonded debt of such village, but the faith and credit of such village shall be pledged for the payment thereof. ('11 c. 346 § 7) [1319]

1243. **Estimates—Submission to voters**—Before such village council shall have power to finally fix the assessment to be levied against the property abutting on such water-mains as provided in section four (4) of this act, and make contracts, therefor, it shall obtain detailed estimates of the cost of installing the same, and may for such purpose employ a competent engineer therefor, and shall make a careful estimate of the amount that will be realized from such frontage tax to be levied and if it shall appear that the same will not be sufficient to pay the expense of the installation of such water-mains and that for such purpose it will be necessary to issue the bonds of such village, then before the said council shall proceed any further with such assessments or installation, it shall submit the question of issuing the bonds necessary to pay any deficiency, to the voters of the village in accordance with the provisions of section 744 of the Revised Laws of 1905 [1229], fixing the amount of bonds to be voted for such purpose. Such bonds shall be payable out of the general funds of such village, raised by taxation or other sources. If such bonds shall be voted by the village, the council shall then proceed further as heretofore provided. ('11 c. 346 § 8) [1320]

1244. **Contract with adjoining municipality**—The village council of any such village may also enter into contracts with any adjoining municipality, for the furnishing by it of water to the citizens of such village, and the laying of water-mains in the streets of such village. Thereupon such adjoining municipality shall have power to lay water-mains under the direction of such village council in the streets of such village and may furnish it and its citizens with water therefrom, and all of the provisions of this act relative to petitions,

frontage-tax notices, tax levy assessments, statements regarding such frontage tax, the collection thereof, the issuance of bonds and all other provisions of this act for the purpose of paying for such water-mains shall be followed, the same as if said water-mains were laid and said water was furnished directly by such village from its own water-plant system. ('11 c. 346 § 9) [1321]

1245. **Water and light plant—Special tax in certain villages**—That the village council or governing body of any incorporated village in this state, whose water and light plant is operated and controlled by a water, light and building commission, is hereby authorized, annually, at the time of levying the general corporation taxes, to levy a special tax not exceeding five mills on each dollar of the taxable property in such village, for the purpose of paying the cost of operating the village water and light plant in supplying such village with the necessary water for fire protection and street sprinkling and the necessary electric current or other means of light, for lighting the streets and public parks in such village. ('13 c. 214 § 1) [1322]

1246. **How collected, etc.**—Such tax shall be known as "the village water and light tax" and shall be levied and collected in same manner as the general corporation taxes, anything in the charter of such village or in any law of this state, which may prohibit the levying of any tax in excess of any specific percentage of the taxable property in such village, to the contrary notwithstanding. When collected, such tax shall be paid into the water and light fund of such village. ('13 c. 214 § 2) [1323]

1247. **Estimate of cost**—Before making such special tax levy, the water, light and building commission of such village each year, shall at the request of the village council on or before the following first day of August, make and file with the village recorder (clerk) a statement containing an estimate of the probable cost of supplying such village with the necessary water and light for the ensuing year. ('13 c. 214 § 3) [1324]

1248. **Village authorized to abandon, sell or lease water works and lighting plants on submission of proposition to vote**—Any village, in this state wherein there is constructed and in operation water works and lighting plant, or water works or lighting plant, for supplying water and light, or either of them, for public purposes or for the private use of its inhabitants, or both, owned by any such village, may by resolution or ordinance of its governing body, passed and adopted in the usual manner, sell, lease, or abandon any such plant or any specific part thereof; if a specific part of any such plant is to be sold, leased, or abandoned, such resolution shall state the specific part to be so sold, leased, or abandoned. Before any such resolution or ordinance shall become effective the same shall be submitted to the legal voters of such village at a regular village election or special election therein and approved by a majority vote of the electors voting thereon at any such election. The ballots at any such election shall be printed and contain in full the resolution to be voted upon and thereon immediately following the resolution there shall be printed in appropriate manner the words "yes" and "no" on separate lines, and every voter desiring to vote in favor of such proposition shall thereupon make his cross (X) mark opposite the word "yes," and every voter desiring to vote against such proposition shall make such mark opposite the word "no." Such election shall be conducted and the votes cast thereat shall be canvassed and the result thereof certified in like manner as in case of an election for village officers. ('15 c. 79 § 1)

1249. **Proper officers to carry out will of majority of voters**—Thereupon if any such proposition shall be

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declared adopted and carried at any such election, the proper officers of any such village shall forthwith proceed to carry out the same according to such resolution. ('15 c. 79 § 2)

Village ordinances, contracts and grants of franchise for water works, gas, electric light, heat and power plants in certain cases in villages in counties of 225,000 inhabitants and over, legalized, '05 c. 169.

The acts and proceedings of villages in the matter of constructing streets, avenues, alleys, sidewalks, sewers, and water works or water plants, between October 15, 1909 and March 8, 1911 legalized in certain cases, '11 c. 229

Proceedings of villages in the matter of constructing water works and laying water mains had between July 1, 1913 and January 1, 1915, legalized, '15 c. 70.

1250. Property owners required to connect with water and sewer systems in villages—Whenever any village in the State of Minnesota, having power to do so, installs, builds and constructs a municipal sewer and water plant within its corporate limits along any public street or alley, it shall be the duty of every owner or occupant of any abutting property platted into lots and blocks having a dwelling house or business property situate thereon to install a toilet in said dwelling or business property, and make connection thereof with the water and sewer in the street or alley adjacent thereto, within thirty days after written notice is given to such owner or occupant to install such toilet and make such connection by the governing body of such village, and the authority to give such notice may by ordinance of such village be delegated to any elective or appointive officer of such village and when the owner or occupant of any property so notified in writing to install a toilet and make sewer and water connection shall for thirty days after such written notice is given, and proof of the service of such notice shall fail, refuse and neglect to make such connection and install such toilet, such governing body may by resolution direct that a toilet be installed and connection made with sewer and water and that the cost of said installation be paid in the first instance by the village out of the general fund of revenue, and the actual cost thereof assessed against the said property benefited; after such installation and connection is completed there shall be served a written notice of such assessment and an order directing the owner or his or her representative of such property to pay said assessment and within ten days after the service of said written notice, to the treasurer of such village, and after proof of such notice and order and that assessment has not been paid within said ten days the same shall be certified to the county auditor for collection as other assessments for benefits except that such assessment may be spread over a term of three years if so requested when certified, and shall become a lien upon said property until paid. ('17 c. 203 § 1)

1251. Penalty for failure to make connection—Any person who shall in any way interfere with the carrying out of the provisions of this act shall be, when convicted subject to punishment by a fine of not less than twenty-five (\$25.00) dollars nor more than one hundred (\$100) dollars, or to imprisonment in the county jail for not more than three months or by both fine and imprisonment at the discretion of the trial court. ('17 c. 203 § 2)

1252. Purchase of electrical energy—All villages in the state of Minnesota are hereby authorized and empowered to contract with any person, firm, corporation or municipal corporations for the purchase of electric energy for municipal purposes and to be distributed and supplied by such municipality to the inhabitants thereof. ('13 c. 317 § 1) [1327]

1253. Contract, how made—Term—Such contract shall be made by the common council, or other governing body of such municipality by a two-thirds vote of all of the members of such council or governing body,

and may be for a period not exceeding fifteen (15) years from the time when such person, firm, corporation or municipal corporations shall commence to furnish such electric energy, which time shall not be more than two years from the date of such contract. ('13 c. 317 § 2) [1328]

1254. Connecting street railways—The council of any such village may grant to individuals or corporations the right to construct street railways upon its streets, and to operate the same by other than steam power, for the purpose of connecting such village with outside places or territory. But nothing herein shall authorize any exclusive franchise for such purpose, nor any franchise for more than twenty-five years. All such franchises heretofore granted, and all acceptances thereof, are hereby confirmed. (745) [1329]

A street railroad franchise cannot be granted to a real estate corporation (119-77, 137+395).

1255. Parks and parkways in certain villages—Board of park commissioners—Submission to voters—Election—Terms—Any village now or hereafter located in any county of the state now or hereafter having a population exceeding two hundred and twenty-five thousand inhabitants, is hereby authorized to create a board of park commissioners, and to acquire, govern and administer lands for parks and parkways by proceedings in the manner provided in this act. The city council of such village may submit to the voters thereof at any general election or at any special election ordered for the purpose, the question whether to adopt the provisions of this act. The vote shall be by ballot, the form of which shall be as follows:

For a park and parkway system and the election of a board of park commissioners.

Yes . . . . .   
No . . . . .

Those voting in the affirmative shall make a cross after the word "Yes," and those voting in the negative after the word "No." If a majority of the votes cast upon that question are in the affirmative the provisions of this act shall be deemed to be adopted, otherwise not. The village council shall at the said election provide for the election of three park commissioners, and prescribe the form of ballots in accordance with the general election law. If the provisions of this act are adopted by the vote taken as aforesaid, the three candidates receiving the highest number of votes shall be elected as park commissioners. The one receiving the highest vote shall hold office until the third annual village election next ensuing; the one receiving the second highest, until the second annual village election next ensuing; and the one receiving the third highest until the first annual village election next ensuing, and until their respective successors are elected. Thereafter one park commissioner shall be elected at each annual village election to serve for three years, and until his successor is elected and qualified. The newly elected park commissioner shall take office at the same time as the newly elected members of the village council. Each park commissioner shall before entering on the duties of his office, subscribe and file with the village recorder an oath faithfully to perform his duties as such park commissioner and to the best of his ability. ('05 c. 167 § 1) [1330]

1256. Officers—Vacancies—The said park commissioner[s] shall constitute a department of the village government, by the name of the board of park commissioners of the village of . . . . . They shall elect one of their own number annually as chairman and shall make rules for their meetings and for the conduct of their business. In case a vacancy occurs it shall be filled by election by the village council until the next annual village election when a park com-



missioner shall be elected to fill the unexpired term. The village recorder shall be the recording officer of the board. ('05 c. 167 § 2) [1331]

**1257. Duties and powers**—It shall be the duty of such board of park commissioners to devise and adopt a system of parks and parkways for the village, and from time to time to add thereto. The board shall have power to acquire lands for parks and parkways by gift, devise, lease, purchase and dedication, to administer and govern the same as parks and parkways, and to ordain and establish rules and ordinances to secure the quiet, suitable and appropriate use thereof. The lands so acquired shall be held for public use as parks and parkways. ('05 c. 167 § 3) [1332]

**1258. Tax levy—Park fund—What land may be taken—Regulating traffic**—The village council shall annually at the time of levying other village taxes, levy such sum as it shall deem necessary, not to exceed one mill upon the dollar of taxable property of the village, for park purposes and such taxes shall be collected with an[d] as a part of other village taxes, and paid into the village treasury, and set apart as a village park fund. The board of park commissioners shall have power to expend such fund in the acquisition, maintenance and improvement of parks and parkways. All warrants drawn upon such fund shall be accompanied by receipted vouchers showing the purpose for which the warrant is drawn, and shall be signed by the president of the board and by the village recorder, and countersigned by the president of the village council. The board of park commissioners may with the consent of the village council, take any land within the village, which has been acquired or dedicated as a public park or common, and thereafter administer and govern the same as if acquired by purchase under the provisions of this act. The board of park commissioners may also, with the consent of the village council, take as a parkway any street or highway or portion thereof, and thereafter administer and govern the same in all respects and with like powers as if it had been originally acquired as a parkway under the provisions of this act. The board of park commissioners shall have power to regulate, control and govern the traffic upon and over any parkway, and may exclude therefrom all vehicles excepting those in use for carrying passengers, or impose lesser restrictions thereon as it may deem best. ('05 c. 167 § 4) [1333]

**1259. Prosecution of offenses—Penalties**—All offenses against ordinances of the board of park commissioners may be prosecuted before any justice of the peace or municipal court of the county. The penalty for violating such ordinance shall be by imprisonment not exceeding ninety days or by fine not exceeding one hundred dollars for each offense; and in case the fine is not paid, by imprisonment not exceeding ninety days. ('05 c. 167 § 5) [1334]

**1260. Eminent domain—Special assessments**—For the purpose of acquiring lands for parks and parkway purposes, the village shall have the power of eminent domain, and the power of levying special assessments to be exercised in the manner prescribed by sections 214 to 242 inclusive, and sections 261 to 266 inclusive of chapter 8 of the General Laws of Minnesota for 1895. The proceedings therein provided for shall be conducted by the village council and the duties prescribed to be performed by the city controller and the city clerk by said chapter 8, shall be performed by the village recorder. Duties prescribed to be performed by the city engineer and city treasurer may be performed by any engineer employed by the city council, and by the village treasurer respectively. Notices may be published in any newspaper published in the village. ('05 c. 167 § 6) [1335]

**1261. Docks, boat houses, etc.—Contracts and leases**—The board of park commissioners shall have power to erect docks, boat houses, bath houses, refreshment booths, amusement halls, pavilions and other structures for the comfort of the people, and to operate and administer the same and to make reasonable charges therefor. The board shall also have power with the consent of the village council to make contracts and leases for the construction and operation of such buildings for terms not exceeding ten years. Every such contract and lease shall provide that the structure shall be operated for the public use and convenience, and that the charges shall be reasonable, and shall reserve to the board of park commissioners power to prescribe reasonable rules and regulations from time to time for the conduct of the privilege. ('05 c. 167 § 7) [1336]

**1262. Lease to private club**—In case any such park or parkway shall embrace the shore of any navigable lake, the board shall have power to lease to private clubs the privilege of occupying limited areas in the bed of the lake adjacent to such shore for club house purposes, for periods not exceeding ten years in any case. The space to be occupied by any one private club shall not exceed one acre. No such club house shall be located so as to interfere with navigation. Every such lease shall reserve to the board full power and authority to make from time to time reasonable rules and regulations to secure quiet and good order on the premises. The lessee in such case shall have power to retain the club house for the use of its own members and guests. Every area so leased shall be subject to all the ordinances of the village, and in particular to the ordinance relating to the sale and use of malt and intoxicating liquors. ('05 c. 167 § 8) [1337]

**1263. Acquiring of land for dock and warehouse purposes by villages authorized**—That any village in this state now or hereafter located upon any international navigable body of water is hereby authorized to acquire by purchase or condemnation such land bordering on any international body of navigable water, as the council of such village shall determine to be necessary for the use of said village for a public dock and warehouse or either of the same; and to construct and maintain on such tract of land a public dock or warehouse or either of the same under such rules and regulations for the use of said dock or warehouse as the village council of said village shall by ordinance provide. ('17 c. 36)

**1264. Certain warrants in excess of debt limit legalized**—In all villages where the village council have heretofore ordered and there has been issued and delivered to third parties who have given value therefor warrants in excess of the legal limitation, therein, for the purpose of building bridges costing not over twenty thousand dollars, and said warrants or orders have been sold at their face value, and the entire money used for the construction of such bridge or bridges, the acts of such village council are hereby legalized. ('07 c. 189) [1338]

## CITIES

1265  
213-NW 557

**1265. How classified**—Cities are hereby divided, for legislative purposes, into classes as follows:

First class. Those having more than fifty thousand inhabitants.

Second class. Those having twenty thousand, and not more than fifty thousand, inhabitants.

Third class. Those having more than ten thousand and not more than twenty thousand inhabitants.

Fourth class. Those having not more than ten thousand inhabitants.

Changes in classification resulting from any future state or national census shall not take effect until the

first Monday in January next after the taking thereof. Meanwhile the council or other governing body shall take measures for the election of proper officials, and for dividing the city into wards, if necessary, and otherwise prepare for the coming change. (746) [1339]

Cited (123-48, 142+1042; 140-347, 168+18).  
This section is not unconstitutional as special legislation (124-126, 144+756).

**1266. Census governs**—That for the purpose of determining the classification of the several cities of this state, and for the purpose of construing any law relating to the affairs of cities applicable only to cities of a prescribed population, the population of every such city shall be ascertained and determined by adding five per cent of the total population of every such city, as shown by the last state or federal census, to such population, and the population as so computed shall be taken to be the population of each such city in this state for said purposes. This shall not be construed as amending or repealing any provision of a home rule charter providing a different method for ascertaining the population of the city governed by such charter.

In case the provision of this act for an addition of five per cent to the census figures shall be held invalid, the remainder of the act shall not be invalidated by reason thereof but shall remain in full force and effect. ('11 c. 73 § 1, amended '21 c. 12) [1340]

**1267. Existing charters preserved**—Until otherwise provided in accordance with this subdivision, all cities existing at the time of the taking effect of the Revised Laws shall continue to be governed by the laws then applicable thereto. (747) [1341]

Cited (101-277, 112+269).

**1268. Home rule charters—Patrol limits**—Any city or village in the state of Minnesota, whenever incorporated, may frame a city charter for its own government in the manner hereinafter prescribed, provided, that in such cities having patrol limits established by charter, such limits shall not be altered unless the charter proposing such alteration be adopted by a three-fourths majority. (R. L. § 748, amended '07 c. 375 § 1) [1342]

81-79, 83+498; 134-300, 150+628.

R. L. §§ 748-758 cited (117-458, 136+264).

Judicial notice of contents of home rule charter (138+939).

**1269. Board of freeholders**—Whenever the judges of the judicial district in which such city or village is situated, shall deem it for the best interests of the municipality so to do, they may appoint a board of freeholders to frame such charter, composed of fifteen members, each of whom shall have been a qualified voter of such city or village for five years last past; and, upon presentation to them of a petition requesting such action, signed by at least ten per cent of the number of voters of such municipality, as shown by the returns of the election last held therein, they shall appoint such board. The members shall severally hold office for the term of four years, or until they cease to be such resident voters and freeholders, and vacancies in said board shall be filled by appointment of said judges for the unexpired terms. Upon the expiration of such four-year term, the judges shall appoint a new board, in case for any reason the judges shall fail to appoint a new board within thirty (30) days then thereafter at any time the judges upon their own motion may, and upon the written petition of ten (10) freeholders of said city, shall appoint said new board. Every appointment shall be made by order filed with the clerk of the court. Every appointee who shall neglect to file with the clerk within thirty days a written acceptance and oath of office shall be deemed to have declined such appointment and his place shall be filled as though he had resigned. The judges within thirty (30) days thereafter shall make such rules with

reference to such board, and require such reports, as may appear desirable or necessary. Any appointee who has qualified by filing his written acceptance and oath of office within thirty (30) days, may thereafter be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order; and upon receiving a certificate in writing, signed by a majority of the entire board of freeholders, setting forth that any member has failed to perform the duties of his office and has failed to attend four (4) consecutive meetings, without being excused by the board, and requesting a removal of such member, the district court shall thereupon make its order of removal, and fill the vacancy created as in the case of a resignation. (R. L. § 749, amended '09 c. 423; '13 c. 535 § 1) [1343]

191+1012.

**1270. Compensation—Expenses**—The members of such board shall receive no compensation, but the board may employ an attorney and stenographer to assist in framing such charter, and any amendment or revision thereof, and their reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the board, shall be paid by such city or village. Provided, however, that the cost of preparation, printing and legal services in framing and submitting such charter in the first instance shall not exceed \$500. (R. L. § 750, amended '07 c. 216 § 1) [1344]

The board may not employ and pay a member as counsel and to prepare charter (97-4, 105+969).

**1271. Framing charter**—Within six months after such appointment, the board of freeholders shall deliver to the chief executive of said city or village the draft of a proposed charter, signed by at least a majority of its members. Such draft shall fix the corporate name and the boundaries of the proposed city, and provide for a mayor, and for a council, consisting of either one or two branches; one in either case to be elected by the people. Subject to the limitations in this chapter provided, it may provide for any scheme of municipal government not inconsistent with the constitution, and may provide for the establishment and administration of all departments of a city government, and for the regulation of all local municipal functions, as fully as the legislature might have done before the adoption of section 33, article 4 of the constitution. It may omit provisions in reference to any department contained in special or general laws then operative in said city or village, and provide that such special or general laws, or such parts thereof as are specified, shall continue and be in force therein, including any such special or general laws authorizing the city or village to incur indebtedness or issue its bonds for municipal purposes. It may prescribe methods of procedure in respect to the operation of the government thereby created, and the duties thereunder of all courts and officers of the district and county in which the city is situated, which duties such courts and officers shall perform. And by such charter the city may be authorized to acquire, by gift, devise, purchase, or condemnation, any property, within or without its boundaries, needed for the full discharge of any public function which it is permitted to exercise. Nothing in this section shall authorize a change of boundaries, except that boundaries may be changed so as to include lands and property contiguous thereto when not lying at a distance of more than three miles from the boundaries of the original corporation and when used for industrial or mining purposes or occupied or leased for such purposes, if the person, association or corporation so using, occupying or leasing the same by writing presented to the board of freeholders at any time before a draft of the proposed charter is delivered to the chief executive of

1271 930  
214-NW 840  
215-NW  
1271  
Art. 4 § 33  
203-NW 45  
203-NW 62  
23-GS 130  
1271  
163-M 67  
163-M 22

such city or village so request. (R. L. '05 § 751; G. S. '13 § 1345, amended 1921 c. 120, '21 c. 343)

128-82, 150+389; 131-116, 154+750.  
Cited (129-240, 152+408).

**1272. Bonded indebtedness**—Except as authorized in Section 1271, General Statutes 1923, no such charter shall permit the issue of any bonds of the city whereby its bonded indebtedness would be made to exceed ten per cent of the last assessed valuation of the taxable property therein, including moneys and credits. But any such charter may provide that certificates of indebtedness or bonds issued before or after its adoption shall not be included in or counted as a part of such bonded indebtedness, if (1) held in a sinking fund maintained by such city or village; or (2) issued for the acquisition, equipment, purchase, construction, maintenance, extension, enlargement or improvement of street railways, telegraph or telephone lines, water, lighting, heat and power plants, or either, or any other public convenience from which a revenue is or may be derived, owned and operated by such city or village, or the acquisition of property needed in connection therewith, or for the construction of public drainage ditches or the acquisition of lands for, or for the improvement of streets, parks, or other public improvements, to the extent that they are payable from the proceeds of assessments levied upon property especially benefited by such ditches or improvements, or (3) issued for the creation or maintenance of a permanent improvement revolving fund; or (4) for the purpose of anticipating the collection of general taxes for the year in which issued. And any such charter may provide that the city may issue certificates of indebtedness or bonds to any limit prescribed therein, without approval of the voters, if such issue be for either of the last two mentioned purposes, or for the purpose of extending, enlarging or improving water and lighting and heat and power plants, or either, owned and operated by such city, or of acquiring property needed in connection therewith, or for the purpose of funding floating indebtedness incurred by the city or village before the adoption of the charter, or for any municipal purposes or improvements in respect to which the city or village is authorized by any special or general law to incur indebtedness or issue certificates of indebtedness or bonds at the time of the adoption of the charter. (R. L. '05 § 752; G. S. '13 § 1346, amended '21 c. 120)

See 102-329, 113+899.

**1273. Cities of the first class may construct bridge jointly**—Any cities of this State, each now or hereafter having a population of more than fifty thousand inhabitants, including all such cities operating under home-rule charters adopted pursuant to Section 36, Article IV of the Constitution of the State of Minnesota, are hereby authorized to construct jointly a bridge across any natural water course forming a common boundary, in whole or in part between any such cities. ('23 c. 136 § 1)

**1274. Joint bridge committee authorized**—As soon as the governing body of any such cities (hereinafter called the Council) shall have determined to construct a bridge under this act, a joint bridge committee shall be organized, of which the President of the City Council or other governing body and city engineer, or chief engineering officer, of each such city, so determining to construct such bridge, and the State Highway Commissioner ex officio shall be members. The State Highway Commissioner shall be chairman, but in his absence a temporary chairman may be designated, and the city clerk of each of such cities shall attend and keep a record of the proceedings of the committee. The committee may make rules for its own procedure and meetings. ('23 c. 136 § 2)

**1275. Committee to prepare plans and specifications**—The committee shall prepare and adopt plans and specifications for such bridge and file duplicate copies thereof in the office of the city engineer of each such city. Such plans shall be deemed approved by the council of each such city unless disapproved within thirty days after such filing. If such plans and specifications are disapproved by either of such cities, the committee shall prepare and file amended plans and specifications until they meet with the approval of the council of each of such cities; provided that either city council, after disapproving the plans and specifications within the meaning of this act, may review its action and if upon review it approves such plans and specifications, that shall be a sufficient compliance with this act. ('23 c. 136 § 3)

**1276. Committee shall advertise for bids**—As soon as the plans and specifications are approved by the council of each of such cities, the committee shall cause advertisements to be published once in each week for three successive weeks in a daily newspaper of each of such cities for public bids for the construction of the bridge, specifying the time and place for opening the bids, the amount and character of deposit required with the bids, together with any reasonable requirements or conditions, and reserving the right to reject any and all bids. No contract shall be let except to the lowest responsible bidder; provided that any such city, acting through its council, may submit a bid, and if such bid be the lowest bid, the contract shall be awarded to such city, subject to the power of the committee to reject all bids. ('23 c. 136 § 4)

**1277. Committee shall let contract**—The contract shall be made by the committee in the name of the cities determining to construct such bridge, and the contractor's bond shall run to each of the cities, but if one of the cities be the low bidder, and the contract be awarded to such city, the contract shall be made between it and such other city, or cities, and shall be executed on behalf of each city by its proper officers thereunto authorized by the council of the city, acting through the committee. In either case, the contract shall be countersigned by the city comptroller before the contract shall be valid for any purpose. If a city be a bidder, it shall not be required to deposit any security with its bids, and if it be awarded the contract, it shall not be required to give, any bond, but the full faith and credit of such city shall be pledged to the other city or cities for the full completion of the contract and the payment of all bills for labor and material. ('23 c. 136 § 5)

**1278. May employ assistants**—The committee may employ a chief draftsman, a chief inspector of works, and such other assistance as it may require. ('23 c. 136 § 6)

**1279. Costs to be divided**—All cost and expense incurred under this act shall be shared equally by the cities constructing such bridge and shall be paid from time to time upon requisitions authorized and made by the committee. ('23 c. 136 § 7)

**1280. Limitation of liability**—Neither of such cities shall incur any liability hereunder in excess of half of the cost of the construction of such bridge, and no action shall be maintained against either of such cities which shall seek to compel the payment of more than one-half of the cost of such construction by any city. ('23 c. 136 § 8)

**1281. Bond issues authorized**—Each of such cities constructing such bridge is hereby authorized and empowered to issue and sell certificates of indebtedness or bonds of the city to defray its portion of the cost of such bridge in an amount not to exceed \$800,000.00 without submission to a vote of the people, and the full

faith and credit of such city so issuing such bonds shall be pledged to the payment of the principal and interest of such certificates of indebtedness or bonds. Such bonds shall be in the form of serial bonds, a portion of which shall be payable each year after issuance, but none of said bonds shall run for a longer period than 30 years, and the council of the city issuing such bonds shall fix the denominations thereof and fix the dates of maturity thereof so that the amounts necessary to pay the principal of the portion of bonds maturing in such year and the interest on the bonds issued, shall be approximately the same in each of the years during which such bonds shall run. Such certificates of indebtedness or bonds shall be sold in the manner provided by Section 1856 of the General Statutes of 1913. Such bonds or certificates of indebtedness shall bear interest at a rate not exceeding five per cent per annum. Such bonds shall be executed in the name of the city issuing the same, by the mayor and city clerk and countersigned by the comptroller, and the engraved signatures of such officials shall be sufficient upon coupons of such bonds. Such bonds are hereby authorized to be issued notwithstanding and in addition to and above any limits now or hereafter fixed by law upon the bonded indebtedness of such cities, and the proceeds of said bonds and interest thereon and such expenditure as may be made in excess of any provisions contained in the charter of such city limiting the cost of government. ('23 c. 136 § 9)

**1282. Unconstitutional part not to avoid act**—If any part of this act shall be declared unconstitutional such action shall not avoid said act. ('23 c. 136 § 10)

**1283. Regulation of franchises**—Such proposed charter may provide for regulating and controlling the exercise of privileges and franchises in or upon the streets and other public places of the city, whether granted by the city or village, by the legislature, or by any other authority; but no perpetual franchise or privilege shall ever be created, nor shall any exclusive franchise or privilege be granted, unless the proposed grant be first submitted to the voters of the city or village, and be approved by a majority of those voting thereon, nor in such case for a period of more than twenty-five years. (753) [1347]

130-71, 153-262.

**1284. Charter—How submitted**—Upon delivery of such draft, the council or other governing body of the city or village shall cause the proposed charter to be submitted at the next general election thereafter occurring in said city or village within six months after the delivery of such draft, and if there is no general city or village election occurring in said city or village within six months after the delivery of such draft, then the council or other governing body of said city or village shall cause the proposed charter to be submitted at a special election to be held within ninety days after the delivery of such draft as aforesaid. Provided, that said council or other governing body may call a special election for that purpose only at any time. If said election is held at the same time with the general election, the voting places and election officers shall be the same for both elections. The ballot shall bear the printed words, "Shall the proposed new charter be adopted? Yes—No," with a square after each of the last two words, in which the voter may place a cross to express his choice. And if any part of such charter be submitted in the alternative, the ballot shall be so printed as to permit the voter to indicate his preference in any instance by inserting a cross in like manner. If any charter so submitted be rejected the board may propose others from time to time until one is adopted. (R. L. § 754, amended '09 c. 214 § 1) [1348]

81-189, 83+536; 86-136, 90+160; 129-181, 151+970; 191+1012.

**1285. How adopted—Judicial notice**—If four-sevenths of those lawfully voting at such election shall declare in favor of the proposed charter, it shall be considered adopted; and, if any provisions thereof were submitted in the alternative, those ratified by a majority of the votes cast thereon shall prevail. The certificates provided for in section 36, article 4, of the constitution, being deposited and recorded as thereby required, said charter shall take effect at the end of thirty days from the date of the election, and shall then supersede all other charter provisions relating to such city or village. Thereupon the courts shall take judicial notice of said new charter, and, upon the election of officers thereunder, the officials of the former corporation shall deliver to them the records, money, and other public property in their control. (755) [1349]

81-220, 83+984; 148-1, 180+1021.

**1286. Amendments**—The board of freeholders may propose amendments to such charter, and shall do so upon the petition of five per cent. of the voters of the city, setting forth in substance the amendment desired. Amendments shall be submitted as in the case of the original charter, and the proposal shall be published for at least thirty days in not exceeding three newspapers of general circulation in such city. The form of ballot and mode of voting shall be similar to those used upon the adoption of such charter, the general nature of each amendment being briefly indicated. If three-fifths of those lawfully voting at such election shall declare in favor of any amendment so proposed, the same shall be certified, deposited and recorded, and shall take effect, as in the case of the original charter, provided that, if it be proposed that any amendment shall take effect at a specified time, it shall take effect as proposed. (R. L. § 756, amended '07 c. 199 § 1; '11 c. 343 § 1) [1350]

Requirement as to publication (98-113, 107+728).  
Population fixed by the previous census (98-113, 107+728; 191+1012).  
See '15 c. 297.

**1287. Amendments in cities of fourth class—Postponing election**—The city council of any city of the fourth class governed by a home rule charter may postpone the city election in said city for a period not to exceed five (5) weeks, when a special election has been called to vote on any proposed amendment to said city charter, which amendment if adopted will not take effect prior to the date fixed for the city election in said city charter, and which amendment provides for holding said city election at a later date than is provided in its charter. ('13 c. 35 § 1) [1351]

**1288. Alternative proposals**—In submitting a charter or an amendment to the voters any alternative section or article may be presented and voted on separately, without prejudice to other articles or sections of the charter or any amendments thereto. (757) [1352]

**1289. Succession—Subsisting rights**—The new city so organized shall be in all respects the legal successor of the former corporation, and no charter so adopted, nor any amendment thereof, shall prejudice any subsisting right, lien, or demand against the city or village superseded, or affect any pending action or proceeding to enforce the same. All rights, penalties, and forfeitures accrued or accruing to such former corporation, all property vested therein or held in trust therefor, all taxes and assessments levied in its behalf, and all its privileges and immunities not inconsistent with the new charter, shall pass to said successor. And all ordinances, resolutions, and by-laws in force at the adoption of such new charter, and not in conflict with its provisions, shall continue in force until duly altered or repealed. (758) [1353]

Continuation of prior ordinances (105-440, 117+844).

1284 35  
155-M  
1286 336  
Art. 4 33  
155-M

1290. Commission form of city government—That the board of freeholders appointed under the provisions of sections 748 to 755, inclusive, Revised Laws, 1905, of the state of Minnesota, and the amendments thereof, are hereby authorized and empowered, in addition to all powers now granted to any such board of freeholders, to incorporate as part of the proposed charter for any city the commission form of city government, and to provide that all elective city officers, including mayor and members of the council, shall be elected at large or otherwise. ('09 c. 170 § 1) [1354]

1909 c. 170, is constitutional and valid (117-458, 136+264; 128-82, 150+389).

1291. Officers, how nominated and elected—Such board of freeholders may also provide in such proposed charter that all candidates to be voted for at all general municipal elections shall be nominated by a primary election, and that no other names shall be placed upon the ballot to be voted upon at such election, except the names of those elected in the manner which may be prescribed by such charter; and such charter may provide for a primary election to be held at such time as may be fixed preceding the general municipal elections, and that the judges of election for the general municipal election shall be the judges of the primary election, and may provide in what manner any person desiring to become a candidate for any elective municipal office may become a candidate for nomination at such primary election, and may provide for the publication of statements and petitions of candidates, the form of the primary election and municipal election ballots and for publication thereof, and may provide that there shall or shall not be any party designation or mark indicating that any candidate is a member of any party whatsoever, whether on said primary election ballot or upon said municipal election ballot, and may make provisions with reference to the printing, delivery and authentication of ballots and for the counting and canvass of results of such primary election or municipal election. ('09 c. 170 § 2)

For city elections in the city of Minneapolis, '19 c. 452.

1292. Distribution of administrative powers—Such board of freeholders may also provide that the administrative powers, authority and duties in any such city shall be distributed into and among departments and may provide that the council may determine the powers and duties to be performed by and assign them to the appropriate department and determine who shall be the head of each department and prescribe the powers and duties of all officers and employes thereof, and may assign particular officers or employes to perform duties in two or more departments, and make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city. ('09 c. 170 § 3) [1356]

117-458, 136+264.

1293. Powers of mayor and council—Said board of freeholders may incorporate in such charter provisions defining the powers and duties of the mayor and each member of the council, and may provide that each member of the council shall perform such administrative duties as may be designated in such charter. ('09 c. 170 § 4) [1357]

117-458, 136+264.

1294. Recall and removal of officers—Ordinances—Such board of freeholders may also provide for the recall of any elective municipal officer and for his removal by vote of the electors of such city, and may also provide for submitting ordinances to the council by petition of the electors of such city and for the repeal of ordinances in like manner; and may also provide that no ordinance passed by the council except an emergency ordinance shall take effect within a certain time after its passage, and that if, during such time, a petition be

made by a certain percentage of the electors of the city protesting against the passage of such ordinance until the same be voted on at an election held for such purpose, and then such ordinance to take effect or not as determined by such vote. ('09 c. 170 § 5) [1358]

133-98, 157+991; 134-355, 159+792; 135-221, 160+682.

1295. Application of general election laws—The provisions of any charter of any such city adopted pursuant to this act shall be valid and shall control as to nominations, primary elections and elections for municipal offices, notwithstanding that such charter provisions may be inconsistent with any general law relating thereto, and such general laws shall apply only in so far as consistent with such charter. ('09 c. 170 § 6) [1359]

127-411, 149+653.

1296. Submission of amendments—Nothing in this act contained shall be held to abridge, impair or diminish the right of electors in any city now having or which shall hereafter have such a board of freeholders and a home rule charter, to require the submission of amendments to the charter of such city, as provided in section 756 of the Revised Laws of 1905, but, in addition to the provisions of said section 756, five per cent of the electors may, by petition, as provided in said section 756, require the submission of amendments to such charter, embodying the commission plan of government, in whole or in part, as more particularly described and set forth in sections 1, 2, 3, 4, 5 and 6 of this act. ('09 c. 170 § 7) [1360]

1297. New charter authorized—Any city in this state which now has, or may hereafter adopt, a so-called "home rule" charter by and under the provisions of section 36, article 4 of the constitution, and of any statutes enacted in pursuance thereof, is hereby authorized and empowered to frame, submit and adopt a new charter in the same manner and mode as is by law provided for the original adoption of such so-called "home rule" charter. ('09 c. 236 § 1) [1361]

1298. Amendments authorized—Any city named in section one hereof is hereby authorized and empowered to amend its present so-called "home rule" charter in the nature of a revision and submit and adopt such revision as is by law provided for the original adoption of such so-called "home rule" charter. ('09 c. 236 § 2) [1362]

1299. Not obligatory to report to chief magistrate within six months—It shall not be necessary or obligatory for the board of freeholders framing such new charter, or making such revision hereunder, to return the same to the chief magistrate of such city within six months. ('09 c. 236 § 3) [1363]

1300. Act regulating cities of first class not applicable unless expressly declared—No act regulating any of the affairs of cities, of the first class, shall be deemed applicable to any city therein existing under a charter framed and adopted under section 36 of article 4 of the state constitution, authorizing the adoption by cities of charters for their own government, unless the intention to make the same so applicable shall by such act be expressly declared. ('09 c. 172 § 1) [1364]

134-355, 159+792.

1301. Certain charters legalized—In any case where in an (any) city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than ten, purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder. And such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such

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charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as if each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and propose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with: Provided, that if said city charter has not been filed in the office of the register of deeds of the county, a copy thereof, certified to by the mayor of said city, elected under said charter, shall be filed in said office within sixty days after the passage of this act. And if said city charter has not been deposited in the office of the secretary of state, a copy thereof, certified by the mayor, elected under said charter, shall be deposited in said office within sixty days after the passage of this act. ('05 c. 29 § 1) [1365]

**1302. Acts of officers validated**—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('05 c. 29 § 2) [1366]

**1303. Vested rights, etc.**—This act shall not affect vested rights nor actions now pending. ('05 c. 29 § 3) [1367]

**1304. Certain charters legalized**—In any case where in any city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than fifteen, purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder; and such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as if each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and compose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city, and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with. ('07 c. 373 § 1) [1368]

**1305. Acts of officers validated**—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('07 c. 373 § 2) [1369]

**1306. Vested rights, etc.**—This act shall not affect vested rights nor actions now pending. ('07 c. 373 § 3) [1370]

**1307. Charters legalized**—In any case wherein in any city or village in this state a city charter has been prepared and filed with the chief magistrate or chief executive officer of said city or village by a number of persons, not less than ten purporting to be a board of freeholders and to have been appointed and to have acted under section 36, article 4, of the constitution of this state and the laws of this state enacted thereunder, and such charter has been actually submitted to the qualified voters of such city or village at a general or special election held therein; and such charter has been ratified and adopted by a vote of not less than four-sevenths of the qualified voters voting at such election; and such charter has been actually put in operation in said city or village, and officers have been elected therein under said charter and have qualified and entered upon their duties, then such charter is hereby legalized and made the lawful city charter of said city or village, and to have the same force and effect and to be of like validity as if each, all and every requirement of law for the appointment and qualification of the board of freeholders to prepare and propose the same, the preparation, proposal and filing thereof by said board of freeholders, the submission thereof to the voters of said city and the ratification and adoption thereof by the voters of said city, and the certifying and filing thereof in the office of the register of deeds of the county and in the office of the secretary of state had in all things been fully complied with. Provided, that if said city charter has not been filed in the office of the register of deeds of the county, a copy thereof, certified to by the mayor of said city, elected under said charter, shall be filed in said office within sixty days after the passage of this act. And if said city charter has not been deposited in the office of the secretary of state, a copy thereof, certified by the mayor, elected under said charter, shall be deposited in said office within sixty days after the passage of this act. ('09 c. 177 § 1) [1371]

Other charters legalized, '21 c. 162.

**1308. Acts of officers validated**—All acts of the officers of any such city or village, elected and qualified under such charter, shall have the same force and validity as if said charter had originally been fully valid and legal. ('09 c. 177 § 2) [1372]

**1309. Vested rights, etc.**—This act shall not affect vested rights nor actions now pending. ('09 c. 177 § 3) [1373]

**1310. Annexation of territory legalized**—That the annexation of any additional territory or enlargement of boundaries by any city or village in this state heretofore made, between Jan. 1st, 1903, and April 15th, 1903, in framing and adopting its charter, under and pursuant to the provisions of section 36, article 4, of the constitution of the state of Minnesota, and chapter 351 of the Laws of Minnesota for the year 1899, be and the same are hereby in all things legalized and confirmed: Provided, that the provisions of this act shall not extend or apply to any action or proceeding now pending. ('05 c. 3 § 1) [1374]

#### PROVISIONS RELATING TO ALL CITIES

**1311. Public utilities—Definition**—For the purposes of this act public utilities shall include street railways, telephones, water works, gas works, and electric light, heat or power works. ('07 c. 452 § 1) [1375]

**1312. Cities may own and operate or lease**—Every city of this state shall have the power to own, construct, acquire, purchase, maintain and operate any public utility within its corporate limits, and to lease the same, or any part of the same, to any company incorporated under the laws of this state, for the purpose of operating such public utility for any period not longer than twen-



ty years, on such terms and conditions as the city council shall deem for the best interests of the public. But no city shall proceed to operate any such public utility unless the proposition to operate shall first have been submitted to the electors of such city as a separate proposition and approved by three-fifths of those voting at such election. But any city now owning and operating its own water works, or other public utilities, may continue to own and operate the same in the same manner as is now authorized by law to own and operate the same, without submitting any proposition so to do to the electors thereof, and no lease thereof for any term shall be made until confirmed by the voters of such city, as herein provided. It shall be lawful for any such city to incorporate in any grant of the right to construct or operate any such public utility, a reservation of the right on the part of such city to take over all or part of such public utility, at or before the expiration of such grant upon such terms and conditions as may be provided in the grant; it shall also be lawful to provide in any such grant, that in case such reserved right be not exercised by the city and it shall grant a right to another company to operate such public utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over such public utility of the former grantee, upon the terms that the city might have taken it over, and it shall be lawful for the city council of any city to make the grant containing such a reservation for either the construction or operation, or both the construction and operation of such public utility, in, upon, and along any of the public streets, alleys or ways therein, or portions thereof, in which such public utility is already located at the time of making such grant, without the petition or consent of any of the owners of the land abutting or fronting upon any street, public alley or way, or portion thereof, covered by such grant. No ordinance authorizing the lease for a longer period than five years, nor any ordinance renewing this lease, shall go into effect until the expiration of sixty days from and after its passage. And if, within said sixty days, there is filed with the clerk of such city a petition signed by ten per cent of the voters voting at the last preceding election for mayor, in such city, asking that such ordinance be submitted to a popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance shall first be submitted to the electors of such city and approved by a majority of those voting thereon. The signatures of such petition need not all be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street and number. One of the signers of each such paper shall make oath before an officer, competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed. The city council of any city [which] shall decide by popular vote, as in this act provided, to operate any public utility, shall have the power to make all needful rules and regulations respecting the operation of same, including the power to fix and prescribe rates and charges, but such rates and charges shall be high enough to produce a revenue sufficient to bear all the costs of maintenance and operation, and to meet interest charges on all bonds or certificates issued on account of such public utility, and to permit the accumulation of a surplus or sinking fund that should be sufficient to meet all such outstanding bonds or certificates at maturity. For the purpose of acquiring any such public utility either by purchase or construction, as provided for in this act, or for the equipment of any such

public utility, any city may borrow money and issue its negotiable bonds therefor, pledging the faith and credit of the city; but no such bonds shall be issued, unless the proposition to issue the same shall first have been submitted to the electors of such city, and approved by three-fifths of those voting thereon, nor in any amount in excess of the cost to the city of the property for which said bonds were issued, as ascertained as elsewhere provided in this act, and ten per cent of such cost in addition thereto. In exercise of the powers, or any of them, granted by this act, any such city shall have power to acquire, take and hold any and all franchise or franchises, and necessary property, real, personal or mixed, for the purposes specified in this act, either by purchase or condemnation in the manner provided by law for the taking and condemning of private property for public use, but in no valuation of public utility property for the purpose of any such acquisition, except of such public utilities now operating under such existing franchises shall any sum be included as the value of any earning power of such utility, or of the unexpired portion of any franchise granted by said city. In case of the leasing by any city of any public utility owned by it, the rental reserved shall be based on both the actual value of the tangible property and of the franchise contained in such lease, and such rental shall not be less than a sufficient sum to meet the annual interest upon all outstanding bonds or certificates issued by said city on account of any such public utility. ('07 c. 452 § 2) [1376]

122-34, 141+833; 123-48, 142+1042; 124-73, 144+453; 129-383, 152+777.

**1313. Certificates in lieu of bonds**—In lieu of issuing bonds pledging the faith and credit of the city, as provided for in section 2 of this act, any city may issue and dispose of interest-bearing certificates, to be known as the "street railway certificates," "telephone certificates," "water works certificates," "gas works certificates," "electric light, heat or power works certificates," as the case may be, which shall, under no circumstances, be and become an obligation or liability of the same, or payable out of the general fund thereof, but shall be payable solely out of the specified portion of the revenues or income to be derived from such public utility property, for the acquisition of which they were issued. Such certificates shall not be issued and secured on any such public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided, and ten per centum of such cost in addition thereto. In order to secure the payment of such public utility certificates, and the interest thereon, the city may convey by way of mortgage, or deed of trust, any or all of the property thus acquired or to be acquired through the issue thereof; which mortgage or deed of trust shall be executed in such a manner as directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such conditions and provisions not in conflict with the provisions of this act, as may be deemed necessary to fully secure the payment of the certificates described therein. Any such mortgage or deed of trust may carry the grant of a privilege or right to maintain and operate the property covered thereby, for a period not exceeding twenty years from and after the date such property may come in the possession of any person or corporation as a result of foreclosure proceedings; which privilege or right may fix the rates which the person or corporation securing the same as a result of the foreclosure proceedings shall be entitled to charge in the operation of said property, for a period not exceeding twenty years. Whenever, and as often as de-

fault shall be made in the payment of such certificate issued or secured by mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve months after notice thereof has been given to the mayor and financial officer of the city issuing such certificates, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers and the rights and privileges sold, if he or they be the highest bidders. Any public utility acquired under any such foreclosure shall be subject to regulation by the corporate authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings; provided, however, that no such public utility certificates or mortgage shall ever be issued by any city under the provisions of this act, unless and until the question of the adoption of the ordinance of the city council making provision of the issue thereof shall have first been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. ('07 c. 452 § 3) [1377]

**1314. Accounts, how kept**—Every such city owning or owning and operating any such public utility shall keep the books of account for such public utility distinct from other city accounts, and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation, as the case may be. Such accounts shall be so kept as to show the actual cost to such city of such public utilities owned; all cost of maintenance, extension and improvement; all operating expenses of every description, in case of such city operation; the amount set aside for sinking fund purposes. The city council shall cause to be printed annually, for public distribution, a report showing the financial results of such city ownership, or ownership and operation. ('07 c. 452 § 4) [1378]

**1315. Adoption of act**—This act shall not be in force in any city until the question of its adoption in such city shall first have been submitted to the electors of such city, at the general or city election or at a special election called for that purpose, and is approved by the affirmative vote of three-fifths of those voting at such election. The city council of any such city named, by ordinance, direct that the question of the adoption of this act in such city be submitted to popular vote at any general or city election called for that purpose in and for the entire city, coming not sooner than thirty days from and after the passage of the ordinance. If the city council in any city shall incorporate in any grant to a private company of the right to construct or operate any public utility, a provision reserving to such city the right to take over such property at or before the expiration of the grant, in case the people of such city shall later adopt this act, as herein provided, such provision shall be as valid and effective for all purposes, in case such city shall later adopt this act as herein provided, as if the said provision were made a part of this grant after the adoption of this act by said city. ('07 c. 452 § 5) [1379]

**1316. Ordinance for submission**—In all cases provided in this act for the submission of questions or propositions to popular vote the city council shall pass an ordinance stating the substance of the proposition or

question to be voted upon and designating the election at which such question or proposition is to be submitted, which may be at any general or city election or special election called for that purpose; provided, that such election shall not be held sooner than thirty days from and after the passage of said ordinance. Notice of special election which shall be held in any city under this act and all proceedings respecting the same shall conform as nearly as may be to the law governing other special elections therein. And all ballots as to any proposition or question submitted pursuant to the terms of this act shall be delivered to the election judges, shall be deposited in a separate box and shall be counted, canvassed and returned, as is provided by law in case of other ballots, and the tally sheets and return blanks shall contain suitable columns and spaces therefor. ('07 c. 452 § 6) [1380]

**1317. Time limit of grant or lease**—Nothing in this act contained shall be construed to authorize any city to make any grants or to lease any public utility for a period exceeding twenty years from the making of such grant or lease; provided, that when a right to maintain and operate a public utility for a period not exceeding twenty years is contained in a mortgage or deed of trust to secure any of the certificates hereinbefore mentioned, (and no such right shall be implied), such period shall commence as provided in section 3 of this act. ('07 c. 452 § 7) [1381]

**1318. Observance of Memorial Day**—The city council or common council of each and every city in the state of Minnesota, in addition to all other powers now possessed by it, is hereby empowered and authorized to set apart, appropriate and expend, or cause to be expended, in such manner as it may deem best, from any funds in the city treasury available therefor, an amount not to exceed the sum of three hundred dollars annually for each 75,000 of population of such city for the purpose of aiding in the appropriate observance of Memorial Day on the 30th of May of each year and in the annual commemoration of the noble and valiant deeds of the nation's soldier dead. ('09 c. 365 § 1, amended '23 c. 375) [1382]

See '15 c. 280, requiring clerks and recorders to cause soldiers' graves to be decorated.

**1319. Purchase of electric light and water plant legalized**—In any case where the city council of any city in the state, whether organized under a home rule charter or under the general law, shall have heretofore by resolution or ordinance submitted to the legal voters of such city, at any general or special election, the proposition of the acquisition by such city by condemnation or purchase of an electric light and water plant then privately owned therein, and of said city supplying the city and individuals with light and water, provided such plant could be acquired at a reasonable price, and at such election more than a majority of the legal voters of such city voting thereat shall have voted in favor of such bond proposition; and thereafter the city council of such city, by resolution or ordinance, shall have submitted to the legal voters of such city at any general or special election the proposition of the issuance of the bonds of such city to a specified amount for the purpose of providing the funds necessary for the purchase of such electric light and water plant, and at such election more than a majority of the legal voters of such city voting thereat shall have voted in favor of such bond proposition; then and in every such case all of the acts and proceedings of said city, and of the corporate authority and officials thereof, in and about the calling and holding of said elections and declaring the result thereof, and all of said election proceedings, are hereby in all respects fully legalized, and are hereby declared to constitute full and legal authority for the purchase

1318  
21 — 233  
in addenda  
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by said city, of said electric light and water plant and for the issuance by said city of its bonds to the amount so voted for the purpose of providing funds for such purchase. ('13 c. 89 § 1) [1383]

123-48, 142+1042.

**1320. City authorized to complete work**—That any city coming within the provisions of section one of this act is hereby authorized to do and perform any and all acts necessary, desirable or appropriate in and about the completion of the purchase by it of any such electric light and water plant as in said section one mentioned; and all such acts and performances done or to be done, and any and all contracts heretofore or hereafter entered into by said city for such purchase, are hereby declared fully authorized, ratified and confirmed. ('13 c. 89 § 2) [1384]

**1321. Bonds authorized and legalized—Term**—That the bonds and interest coupons thereto attached of any city coming within the provisions of section one of this act and which have been voted as stated in said section one, may be executed and issued by such city in such forms and manner, and payable, at such time or times and at such place, and such provision made for the payment thereof, and sold, as the city council by resolution or ordinance may have authorized and directed, or may hereafter authorize and direct; and all acts and proceedings of the city council, and of the officers of such city pursuant to the authority thereof, done or had or to be done or had as herein provided in and about the sale, award and issuance of said bonds are hereby legalized, approved and confirmed; and said bonds when so issued are hereby declared to constitute and be the legal, valid and binding obligations of said city.

Provided, however, that none of said bonds shall run for a period longer than thirty years from their date, nor shall be sold or issued at less than their par value and the interest accrued thereon to date of delivery. ('13 c. 89 § 3) [1385]

#### PROVISIONS RELATING TO CERTAIN CITIES

**1322. Gas, electric and water plants**—Any city now or hereafter having a population greater than fifty thousand inhabitants, excepting cities operating under home rule charters framed pursuant to section 36, article 4, of the constitution of Minnesota, and all other cities having a population of ten thousand inhabitants or less whether operating under such home rule charter or not, are hereby authorized to acquire plants for furnishing gas, electricity, water, or either, any or all thereof, for municipal purposes, as well as for the use of the inhabitants of the city, and for that purpose may exercise the power of eminent domain in pursuance of chapter 41, Revised Laws of 1905, and the acts amendatory thereof and supplementary thereto, and thereby may take any and all property necessary or convenient for acquiring and establishing such plants and for adding thereto from time to time, including lands, manufacturing plants, pumping stations, power stations, pipe lines, conduits, pole and wire lines, reservoirs, filter and purification plants, storage plants, transforming and converting plants, and any and all property necessary or convenient, wherever situate, within or without the corporate limits, or of whatever character, and whether devoted to public use or not. ('09 c. 372, § 1, amended '13 c. 158 § 1) [1386]

See '19 c. 227, authorizing sale of water by one municipality to another.

**1323. Condemnation**—The proceedings provided by said chapter 41 shall be instituted and conducted under the direction and control of the city council, which shall be authorized by resolution or ordinance passed by a vote of two-thirds of all the members elect of said city

council. Judgment shall be entered upon the report or award of the commissioners or in case of appeal, upon the verdict, but only after the direction by the city council by such two-thirds vote of the council of the city to move for such judgment. Such motion may be made at any time within four months of the filing of the award of commissioners, or in case of appeal, at any time within four months after verdict, or such additional time as the court may, by order after notice, allow for the purpose. The said judgment shall not be entered nor shall any of the bonds herein provided for be issued until such bonds shall have been authorized by a vote of four-sevenths of all the legal voters of said city registered and voting at a special election of such voters, duly called for that purpose, and said city council is hereby empowered and directed to call and hold such special election. The judgment shall fix and determine the amount to be paid, and shall vest in the city all the right, title and estate of the parties to the action in and to all the property taken. The faith and credit of the city shall be pledged to the payment of such judgment and interest, and the city may immediately enter upon and take the property, and the court may issue and enforce execution or any other writ, process or order necessary to put the city into complete possession and enjoyment of the property. Such judgment and pledge of payment shall be deemed a complete and effectual taking and a complete security for payment. ('09 c. 372 § 2) [1387]

See '21 c. 32, legalizing bond elections.

**1324. Bonds authorized**—The city, through its city council, may, notwithstanding any limitations contained in the charter of such city, or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, issue and sell the negotiable bonds of the city for the payment of such judgment, bearing interest at a rate not exceeding five per cent per annum and maturing in thirty years after date, and sell such bonds to the highest bidder, after a publication of notice once each week for three successive weeks in some newspaper of the city. Such bonds shall be issued in such denominations as the city council may determine, and shall not be sold for less than par, shall bear the seal of the city, and shall be executed by the mayor, city clerk and city comptroller in the name of the city. The city comptroller shall keep an accurate register of the bonds. The bonds may be either in the ordinary coupon form, or may be issued as registered bonds, transferable in the usual manner. The faith and credit of the city shall be pledged for the payment of the principal and interest of such bonds. The city may discontinue the proceedings at any time before entry of judgment. The city council may, after acquiring any such property, operate the same for the purposes aforesaid, and may issue and sell bonds of the city in the manner and on the terms prescribed in this section and upon the same conditions, to the par value of one hundred thousand dollars or less as a working capital for the operation of the plant. ('09 c. 372 § 3) [1388]

**1325. Service rates**—Any such city is hereby authorized and required, in event of the operation of any such plant, to establish and collect rates for service sufficient to pay the interest upon such bonds, maintain such plant in perfect condition, and to operate the same at a high standard of efficiency. The substantial performance of the requirements of this section is hereby declared to be part of the contract with the holder of any bonds of the city, that may hereafter be issued hereunder and shall be kept inviolate. ('09 c. 372 § 4) [1389]

**1326. Contracts for water and light in cities of second and third class**—Any city of the second or third

class, if it have no water system of its own, may contract with a private person or corporation to supply its inhabitants with water for public and private use, for such period, not exceeding thirty years, and upon such conditions, as its council may determine; and, as a part of such contract, it may authorize the laying, maintenance, and operation of mains, hydrants, connections, and other appliances in the streets and other public grounds. In like manner, any such city not owning a lighting system may contract for the public and private lighting thereof for a period not exceeding fifteen years, and may authorize the placing of poles, wires, and other necessary lighting apparatus in the streets and public grounds. Any such contract may be extended from time to time for periods not exceeding the limits herein fixed. (765) [1390]

1327. **Deposit of funds of cities not under home rule charters**—The city council or common council of any city in this state, and not including cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4 of the constitution of this state, and sections 747 to 758 inclusive of Revised Laws of Minnesota, 1905, shall have the power and authority, at the beginning of each calendar year, to designate and from time to time redesignate the banks, banking houses and other depositories of any such city in which the city treasurer of such city shall deposit and keep the moneys of such city, designating in each instance the maximum amount which may at any time be kept in any one of such depositories, which maximum amount shall in no case exceed 25 per centum of the paid-up capital and surplus of such depository. The city council or common council of each city shall at all times designate depositories in their respective cities or elsewhere in the United States sufficient for the depository of all funds which are likely to be in the hands of the city treasurer of such city at any one time, and shall, so far as consistent with the best interest of such city, designate such depositories in their respective cities and shall require from such depositories good and sufficient bonds payable to such city for double the amount of money likely to be received, and conditioned for the safe-keeping and payment of funds so deposited. ('07 c. 17 § 1) [1391]

1328. **Duty of treasurer—Exemption from liability**—The city treasurer of each city where depositories have been designated in accordance with this act, shall keep the funds of such city as far as possible in the depositories so designated, and when so deposited the treasurer and the sureties on the official bond of such treasurer shall be exempt from all liability for the loss of any such funds so deposited as in this act provided, if such loss is caused by the failure, bankruptcy or any other act of default of such depository. ('07 c. 17 § 2) [1392]

1329. **Failure to designate**—The failure of the city council or common council of any city to designate depositories, as in this act provided, shall not exempt or relieve the city treasurer of such city or the sureties on his official bond from any liability. ('07 c. 17 § 3) [1393]

1330. **Duty of council—Interest**—The city council or common council of any city authorized under this act to designate depositories shall exercise all possible care to secure safe depositories for the city funds of such city and to obtain the highest rate of interest possible consistent with safety for such moneys. All interest received in any way for the use or keeping of moneys or on account of the same shall be the property of such city and shall be credited to the current expense fund of such city. ('07 c. 17 § 4) [1394]

1331. **Money, how deposited—Checks, how drawn**—All moneys of any such city kept in accordance with

this act in any depository designated by the city council or common council of any city shall be kept and deposited in the name of such city and such depository or depositories shall have no authority to pay out any such money except upon checks drawn upon such depository or depositories signed by the city treasurer and countersigned by the city comptroller or recording officer of such city. ('07 c. 17 § 5) [1395]

1332. **Withdrawal of funds**—The city treasurer of any city who has city funds deposited in accordance with this act shall, whenever notified so to do by the sureties on his official bond or by the city council or common council of such city, withdraw all funds from any designated depository, and it shall be the duty of the city comptroller or other recording officer of such city to countersign all checks for such withdrawal. Said city treasurer shall thereupon, upon such withdrawal, notify the city council or common council of such city thereof and thenceforth such city treasurer shall deposit no more funds in such depository until authorized so to do by the city council or common council of such city. And upon such withdrawal, it shall be the duty of the city council or common council of such city to proceed forthwith to redesignate, in accordance with the provisions of this act. ('07 c. 17 § 6) [1396]

1333. **Incorporation within city limits of land of state institutions**—Whenever the board of control of state institutions shall petition the city council of any city, the limits of which shall be the dividing line between such city and the lands surrounding any state institution, describing said lands, for leave to have such lands come into and be part of such city, the city council thereof may adopt a resolution which shall describe such lands and provide for their incorporation within the limits of said city, and upon the recording of an authenticated copy thereof with the register of deeds of the county or counties within which such city, or any part thereof is situated, and, in case such city and said lands are in different counties, upon the recording of such authenticated copy of such resolution in the office of the register of deeds of the county in which such lands are situated, such lands shall become a part and be included within the limits of such city for all purposes. ('05 c. 110 § 1) [1397]

1334. **Water works in cities organized under special laws having not over 5,000**—Whenever any charter, general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the electors voting thereat so determine, any city in the state of Minnesota having 5,000 population or less, organized and existing under a special law, is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its city charter, or by virtue of any general or special law, and in addition to all other bonds that it is by the law authorized to issue, to issue its bond in the aggregate amount hereinafter mentioned to be determined as hereinafter set forth, and to dispose of the same as hereinafter provided, and to use the proceeds thereof for the purpose of acquiring, constructing, extending, enlarging, improving or purchasing municipal water works, light and power plants, or of acquiring or purchasing lands or rights for the erection, establishment and maintenance of dams and reservoirs for the purpose of furnishing water, light or power to the public, or for either or all of such purposes, but in each such case the said city may either acquire such plant or property at such price, not exceeding its fair value, and on such terms as may be agreed upon between such city and the owner thereof, or if such arrangement as to price and terms cannot be agreed upon, may acquire such property by con-

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demnation thereof. The procedure in event of condemnation shall be that prescribed by chapter 41, Revised Laws, 1905, and the purchase price of said property as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by this act authorized to be issued and the balance of the proceeds, if any, may be used for the extension, enlargement or improvement of such plant or property so acquired. ('09 c. 323 § 1) [1398]

1335. **Submission to voters**—Whenever the city council of any such city, at any regular or special meeting thereof, determine by resolution duly adopted by two-thirds vote of all members thereof, entered upon the minutes of the proceedings, that it is necessary to acquire by purchase or condemnation, or both, waterworks, light or power plants already in existence, or to construct, enlarge, extend, establish or improve a municipal water, light or power plant, or to acquire as aforesaid lands or shore or flowage rights along, by or near any lake or river for the purpose of erecting or establishing or maintaining reservoirs or dams for water or power purposes, or either or all thereof, as the case may be, and that the funds in the treasury of such city are not sufficient for such purposes, and that it is necessary to issue the bonds of such city in an amount to be determined by such city council in such resolution, not exceeding in the aggregate ten per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such city council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of said city at any charter, general or special election to be held therein. Such resolution shall fix the time of said voting, if the same be submitted at special election, which shall be not less than ten days after the date of the adoption of said resolution, and said special election shall be conducted as provided by law for charter elections. The notice of such election at which said proposition is to be submitted, whether general, charter or special, shall contain a statement of the total amount of the principal of said bonds, and the purposes to which it is proposed to put the same. ('09 c. 323 § 2) [1399]

1336. **Ballots—Election**—In voting upon said proposition the ballots used shall have written or printed, or partly written and partly printed thereon, the words "Issue of Bonds," "Yes," "No"—and each elector voting on such proposition shall make a cross mark thus (X) in one of the two spaces left for that purpose, upon the margin of the ballot used. The elector desiring to vote in favor of issuing bonds shall make a cross mark thus (X) in the place left opposite the word "Yes," and the elector desiring to vote against the issuing of bonds shall make a cross mark thus (X) in the place left opposite the word "No," and no ballot shall be counted on said proposition except those having said cross mark (X) opposite one only of said words, "Yes," "No." The voting shall be conducted in the same manner as provided by law for the election of city officers, and shall be counted, returned and canvassed in the same manner as provided by law for the election of city officers, and if upon such canvass it appears that a majority of all the votes cast upon said proposition shall be in favor of the issuing of such bonds, the same may thereafter be issued in accordance with the provisions of this act, but not otherwise. ('09 c. 323 § 3) [1400]

1337. **Bonds, how issued**—Whenever three-fifths of the electors of any such city at any such election shall declare in favor of issuing the bonds of such city hereunder, such city, and the city council thereof, is hereby authorized and empowered by an affirmative vote of

two-thirds of the members of such city council to issue the bonds of said city in an amount to be determined by said city council, not exceeding in the aggregate the amount contained in the said proposition adopted by the electors at said election, and such city council may dispose of the same as hereinafter provided, and may use the same and the proceeds thereof for any of the purposes which the resolution provided for in section two [1399] of this act shall specify, but not otherwise. ('09 c. 323 § 4) [1401]

1338. **Terms of bonds, etc.**—Such bonds shall be of such denomination as the city council shall determine, shall be payable at such place as the city council may designate; at such times, not less than ten nor more than thirty years from date of issue; shall be made payable to bearer, or to the order of the person or corporation to whom they may be delivered, as such city may deem best, and shall draw interest payable semi-annually at such place as the city council may determine at a rate not exceeding five per cent per annum, to be represented by coupons attached to said bonds. Said bonds and coupons shall be signed by the mayor and attested by the clerk or similar officer of such city, and the corporate seal of the city shall be impressed upon said bonds. ('09 c. 323 § 5) [1402]

1339. **Bonds, how disposed of—Use of proceeds**—The city council of any such city shall have authority by a majority vote of all members to dispose of such bonds in such manner as in the judgment of said city council shall best subserve the interests of the city, but it shall not negotiate the sale, nor dispose of, nor sell said bonds, nor any of them, at less than their par value and accrued interest, either for cash or for property at its fair value, and neither the said bonds nor the proceeds of the sale thereof shall be used for any other purpose than specified in said resolution contemplated by section two [1399] hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof. ('09 c. 323 § 6) [1403]

1340. **Lien of bonds, etc.**—The principal and interest of any such bonds so issued is hereby declared to be a first lien upon the municipal waterworks, light or power plants, dams or reservoirs, respectively constructed or required by means of said bonds or the proceeds of the sale thereof, and the faith and credit of such city issuing the bonds is hereby irrevocably pledged to the payment thereof, any provisions of the law of this state, whether general or special, to the contrary notwithstanding. ('09 c. 323 § 7) [1404]

1341. **Corporations to provide electricity in cities upon rivers**—Any city situated upon a river where there may be secured a developed water power conveniently near for utilization in the creation and development of electrical energy to supply such city and any state institution therein with such energy at approximate cost, either alone or in conjunction with an adjacent city, may do so through a public corporation formed at its request as hereinafter provided. ('11 c. 141 § 1) [1405]

1342. **Uniting with adjacent city—Failure to unite**—Any such city which may desire to avail itself of the provisions of this act shall proceed as follows:

If there is another city adjacent thereto, it shall be invited by resolution of the legislative branch of the city first mentioned to unite with the latter in securing the organization of such public corporation. If such adjacent city within thirty days thereafter shall, by resolution accept such invitation, said city shall, by further resolution of their respective legislative bodies, declare their desire to so secure such water power and to have organized, under this act, a public corporation therefor, and shall, by the same resolution, request the

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respective mayors, or other executive heads (by whatever name known) of said cities, and the president or other executive head of the governing, or managing board, of any state institution, (or of the senior state institution, if more than one) in such cities, to proceed to form such corporation under this act.

If there is no adjacent city, or if there is one and it fails or refuses to unite in the adoption of such resolutions within thirty days, the legislative body of the city which may desire to avail itself of the provisions of this act shall by resolution request its mayor, or other executive head, its city engineer, or the head of its engineering department, (if known by any other name), and the president, or other executive head, of the governing or managing board of any state institution (or of the senior institution, if more than one) within such city, to proceed to form such a corporation under this act. ('11 c. 141 § 2) [1406]

**1343. Corporation, how organized**—The officials designated shall meet upon the call of the mayor (of the larger of the cities if more than one) at his office, and shall proceed to organize themselves into a public corporation under some appropriate name for the objects and purposes stated in section "1" [1405], and shall unite in a certificate which shall state the name and objects of the corporation, the fact that it is organized under this act, and that the members of the corporation shall be themselves, during their respective terms of office, and their respective successors in such offices. Such certificate shall be recorded in the office of the secretary of state. ('11 c. 141 § 3) [1407]

**1344. Officers and government**—Such corporation, when organized, shall provide for and elect such officers as it may designate, and may employ a manager and such other agents and servants as may be necessary for the corporate business, and may adopt such rules, regulations and by-laws for the government of the corporation and of its employees as may seem best, but the members of such corporation shall receive no pay or compensation as such members, or as officers, but may have their actual expenses. ('11 c. 141 § 4) [1408]

**1345. Acquisition and development of water power**—Such public corporation, when organized, shall be authorized and empowered to acquire by lease or otherwise any developed water power within or near the corporate limits of the cities whose officers are, ex officio, members of such corporation; to acquire all necessary lands, rights, and privileges, and to provide itself with a suitable hydro-electric plant, fully equipped with auxiliary power plant necessary to utilize economically said water power, and with the necessary means of distribution of the electrical energy therefrom. ('11 c. 141 § 5) [1409]

**1346. Disposition of electrical energy**—The electrical energy, so developed, shall be disposed of as follows: First, to the grantor from whom the water power is acquired if the contract therefor so provides; second, to any state institution in such city, or cities, desiring the same, and third, any surplus then remaining, in equal shares, to the cities whose officers are members of the corporation, if more than one, otherwise the whole to the single city. ('11 c. 141 § 6) [1410]

**1347. Rates**—The same rate shall be charged by the corporation to all users of electrical energy so supplied, whether the user is the grantor of the water power, a state institution, or a city, and that rate shall be sufficient to pay and cover the cost of operation, maintenance, interest charges, and the retirement of any indebtedness, and to provide for the renewal of the plant and for a reasonable emergency fund, and no more. ('11 c. 141 § 7) [1411]

**1348. Issuance of bonds**—Such corporation shall likewise be authorized to raise money by the sale of its bonds or certificates of indebtedness to carry out the objects and purposes of the corporation, and the indebtedness evidenced thereby shall be a lien upon all the property, rights, and franchises of the corporation. ('11 c. 141 § 8) [1412]

**1349. State's ownership of bed of navigable river**—That the ownership of the beds and the lands under the waters of all rivers in this state which are navigable for commercial purposes are hereby declared to be and shall be in the state of Minnesota in fee simple, subject only to the regulations made by the congress of the United States with regard to the public navigation and commerce and the lawful use by the public of the waters while thereon. ('11 c. 291 § 1) [1413]

**1350. Change of channel within and at cost of city—City's ownership**—That when any portion or portions of the channel of any such navigable river within the limits of any city in this state is changed by or under the authority of the United States government or any other authority for the improvement of navigation and the cost of such change or any portion thereof is borne by the city within which change is made the old bed of the river or portion thereof abandoned by reason of any such change, shall belong to and become the property in fee simple of the city in which the same is situate without further act or ceremony. The filing and recording in the office of the register of deeds of the county in which such city is located, of a copy of this bill together with a plat or map certified by the secretary of war of the United States or the United States government engineer in charge of the changes of the channel hereinbefore referred to, showing the respective locations of the water line of the old or original bed of the river and such changed location, shall constitute sufficient evidence of title of such city to the old river bed and lands hereinbefore referred to. Upon the request of any such city the governor and state auditor shall also execute and deliver to such city a deed of conveyance transferring all of the right, title and interest of the state of Minnesota in and to such old river bed and lands within the limits of such city, and the lands so reclaimed or acquired may be held, used or disposed of by such city as the common council shall determine to be for the best interests of such city. (('11 c. 291 § 2) [1414]

**1351. To what cities applicable**—This act shall apply to all cities including those now or hereafter governed by a charter adopted pursuant to section 36, article 4 of the constitution of the state. ('11 c. 291 § 3) [1415]

**1352. Special assessments in installments for paving**—That any city having a home rule charter in this state and having a population of twenty thousand inhabitants or less may, in addition to the powers conferred upon it by charter, provide for the payment of special assessments for the paving of any public street, alley, lane, levee or highway, in not to exceed fifteen annual installments in the manner as follows: ('11 c. 134 § 1) [1416]

134-204, 158+977.

**1353. Installments, how determined**—The city council of any such city or the board of public works of any such city, whichever body is by charter authorized to make a special assessment for the costs and expense of paving any public street, alley, lane, levee or highway, may, if they deem it expedient so to do, by resolution, determine the number of annual installments, not to exceed fifteen in which such assessments may be paid, and direct the city clerk or other like officer of the city, to, after giving the notice hereinafter specified and after the expiration of twenty days from

the date of giving of such notice divide the then unpaid part of such assessments into the number of equal installments theretofore determined, and to compute and add to each installment the full amount of interest which would be due upon such unpaid part of such assessments at the date of maturity of each of said installments respectively; the first installment thereof to mature on the first day of November succeeding the year in which the improvement is made for which said assessment is levied and each succeeding installment to mature at intervals respectively of one year thereafter; the interest to be added to such first installment shall be computed from the date of the expiration of said twenty day period.

Forthwith upon the adoption of such resolution the city clerk or other like officer shall give notice by one publication in the official paper of said city that the whole or any part of such assessment may be paid within twenty days after the date of such publication, and that after the expiration of said period of twenty days, all parts of such assessment then unpaid will be divided into installments, with interest thereupon all as above set forth; such interest to be at the rate of six per cent. per annum. ('11 c. 134 § 2) [1417]

1354. How collected—The city clerk or other like officer of any such city shall on or before the tenth day of December in each and every year file in the office of the county auditor of the proper county a statement containing a description of each and every tract of land upon which the next then maturing installment of such assessment has not been paid, and the amount of principal and interest which will next become due upon each of said tracts or lots of land; and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, and the same shall be enforced with and in like manner as city, county and state taxes are collected and enforced. ('11 c. 134 § 3) [1418]

134-204, 158+977. Cited (124-300, 145+21).

1355. Certificates of indebtedness—That for the purpose of providing funds in advance of the collection of the moneys to be derived from any such assessment the city council of any such city may from time to time issue certificates of indebtedness of such city to be paid out of the moneys collected from any such assessment, provided; the amount of any such certificates at any time heretofore or hereafter outstanding shall not be included in determining any such municipality's net indebtedness under the provisions of any applicable law. ('11 c. 134 § 4, amended '21 c. 88) [1419]

1356. Certificates, how executed and payable—Such certificates shall bear date of the day when actually issued and delivered, shall be under the corporate seal of such city, signed by the mayor, and countersigned by the city clerk, or other like officer, in such sums as the city council may from time to time determine, not exceeding the aggregate amount of such unpaid assessment, and shall be payable at the office of the city treasurer of said city at such time or times as such council shall determine, and out of funds to be derived from the assessment in said certificate specified, with interest payable annually at a rate not to exceed six per cent. per annum and shall be payable to bearer. ('11 c. 134 § 5) [1420]

1357. Form of certificates—Application of moneys—Such certificates shall be substantially in the following form: Public Improvement Certificate of the City of..... Installment No..... Amount..... Serial No. ....

To whom it may concern:

This is to certify that the sum of.....dollars has been assessed against the lots and parcels of land mentioned in the assessment roll for the following improvement, to-wit: the paving..... in said city of....., which said assessment is a valid and subsisting lien and charge against the lots, pieces and parcels of land therein mentioned and described, and that said sum has been divided into installments; that this certificate represents the sum of ..... dollars, being part of installment No. ...., which is due and payable to said city of ..... out of the property pledged by law for its payment, and issued pursuant to the provisions of chapter ....., of the General Laws of the state of Minnesota for the year 1911; and the said city of ..... hereby guarantees to the holder of this certificate that it will cause to be collected the said installment and will pay upon surrender of this certificate to its treasurer at the office of the city treasurer, on ....., the sum of ..... dollars, with interest thereof from date hereof to the time mentioned herein for payment at the rate of ..... per cent per annum. In testimony whereof the said city of..... has caused this certificate to be signed by its mayor, and attested by its clerk and its corporate seal affixed hereto this ..... day of ....., A. D.

..... Mayor. Countersigned: ..... City Clerk.

City seal. The installments of interest accruing upon any of such certificates shall be evidenced by coupons or orders thereto attached, signed by the mayor and city clerk or other like officers of said city, such certificates shall not be sold, negotiated or disposed of by any such city issuing the same at less than the par value thereof.

All moneys collected from any such assessment shall be set apart for and applied to the payment of the certificates issued upon said assessment, and shall not be in whole or in part applied to any other or different use or purpose whatever.

No error or informality in any action taken by such city in the ordering or making of such assessment or in the execution, delivery or issue of any such certificates shall in any manner affect the validity of any such assessment. ('11 c. 134 § 6) [1421]

1358. Teachers' retirement fund associations in cities—In every city of this state now or hereafter having a population of more than ten thousand inhabitants, the teaching body may, with the consent of the common council or city council in said city, establish an association to be known as "teachers' retirement fund association," said association to be formed and organized and to have powers and privileges as hereinafter provided. ('09 c. 343 § 1, amended '11 c. 383 § 1) [1422]

1359. Same—Incorporation—Any plan for the establishment of such an association shall include a provision for the organization of a corporation under the provisions of chapter fifty-eight of the Revised Laws of 1905 and acts amendatory thereof. ('09 c. 343 § 2) [1423]

1360. Plan of association—Fund—Approval of council—Whenever any teaching body of any city of this state having a population of more than ten thousand inhabitants desires to avail itself of the privileges of this act, said teaching body shall formulate a plan for the formation and incorporation of such an association and the collection and disbursement of a fund for

the benefit of retired teachers in said city, which said plan shall be submitted to the common council or city council of said city for approval, and when the same is approved by said common council or city council, the said association so established and incorporated shall have full power and authority to receive and disburse funds in accordance with the said plan so adopted. ('09 c. 343 § 3, amended '11 c. 383 § 2) [1424]

**1361. Approval of board of education, etc.**—No such association shall be incorporated and commence to collect and disburse funds until the plan so to be proposed by the said teaching body shall be approved in writing by a majority of all the teachers in the employ of the board of education and when the said corporation is formed there shall be filed with the articles of incorporation an affidavit made by some officer of the board of education that a majority of the said teachers have approved in writing of the formation of said association. ('09 c. 343 § 4) [1425]

**1362. Contribution by teachers—Taxation**—Said plan so to be adopted shall include a provision that only such teachers as make a contribution to the said fund, as provided in said plan, shall be entitled to the benefits thereof, and may include a provision that a portion of said fund shall be raised by taxation upon the property of the said city, it being understood, however, that all teachers who are willing to comply with the terms and conditions of the articles of association and by-laws of said association shall be entitled to participate in the benefits of said fund. ('09 c. 343 § 5) [1426]

**1363. Taxes**—When said plan is adopted, as hereinbefore set forth, and said association is formed and incorporated, the proper officers of said association shall certify annually to the proper authorities, who have charge of the levying of taxes for school purposes in said city and in the county in which said city is located, the amount which it will be necessary to raise by taxation in order to carry out the plan so adopted, as hereinbefore set forth, for the coming year, and it shall be the duty of the said authorities so having charge of the levying of taxes to include in the tax levy for the ensuing year, a tax in addition to all other taxes, sufficient to produce so much of the sum so certified as the said authorities having charge of the levying of taxes for school purposes in said city shall approve, provided, however, that in cities of the first class which are or are not operating under a home rule charter. Said tax shall in no event exceed one and one-half mills upon each dollar of the assessed value of all taxable property of said city, and in all other cities to which this law is applicable, said tax shall in no event exceed one-tenth of a mill upon each dollar of the assessed value of all taxable property of said city unless the authorities having charge of the levying of taxes for school purposes in such last mentioned cities shall determine that a larger tax than one-tenth of a mill upon all taxable property of said city should be levied, in which event the amount so determined shall be levied, which shall, however, in no event exceed three-tenths of a mill upon each dollar of the assessed value of all taxable property of said city; said tax shall be collected as other taxes are collected in said city and when so collected shall be paid over to the treasurer of said association to be held and disbursed in accordance with the provisions of said plan so to be adopted. ('09 c. 343 § 6, amended '11 c. 383; '17 c. 300; '19 c. 144; '21 c. 303; '23 c. 310) [1427]

**1364. Power to hold property**—Any such association so to be formed shall be empowered to receive, hold and dispose of real estate or personal property acquired by them, either by gift or purchase or in any other lawful way, as provided by their articles of as-

sociation so to be adopted, as herein provided. ('09 c. 343 § 7) [1428]

**1365. Pro rata distribution of funds**—Said plan may provide in the event that the funds of the association are not sufficient to pay annuities in full, as provided in said plan, in any particular year, that the amount available shall be pro-rated between those entitled to receive the same. ('09 c. 343 § 8) [1429]

**1366. "Teachers" defined**—The word teachers as used in this act shall include superintendents, supervisors, principals, as well as instructors, who are in the employ of the board of education or board of school inspectors in the city mentioned in this act. ('09 c. 343 § 9) [1430]

**1367. Appropriations for entertainment**—That the governing body of any city of the third or fourth class in this state, is hereby authorized to annually levy not to exceed a half mill tax against the taxable property in such city for the purpose of providing musical entertainments to the public in public buildings or upon public grounds; provided, however, that in any such city the total sum that may be levied or expended in any year shall not exceed the sum of two thousand (\$2,000.00) dollars. ('15 c. 316 § 1, amended '17 c. 426)

**1368. Bridges over interstate waters**—That any city having a population of not more than 20,000 and situate on interstate or international waters be and the same hereby is authorized and empowered to appropriate money, or to issue bonds to secure money for the construction, maintenance and repair of bridges extending over or partly over such waters into another state or country, or for making reimbursement for all expenditures heretofore or hereafter made or incurred in the construction, repair or maintenance of such bridges as hereinafter specified. ('17 c. 15 § 1)

**1369. Appropriations**—The governing body of such city may appropriate not to exceed \$15,000 from the general fund, or any other fund available for bridge purposes, or partly from one fund and partly from the other, whenever authorized so to do by the electors of such city in the manner hereinafter set forth, and may levy against the taxable property of such city a tax in an amount sufficient to meet such appropriation, and may authorize the making of temporary loans in anticipation of the collection of such levy. ('17 c. 15 § 2)

**1370. Bonds**—In lieu of such appropriation the said governing body may issue bonds, with interest coupons attached, in any sum not exceeding fifteen thousand dollars (\$15,000), which bonds shall be in sums of not less than one hundred dollars each, and shall bear interest at a rate not exceeding six per cent per annum, payable annually, and the principal of such bonds shall be payable at such times, not exceeding thirty years from the date thereof, as said governing body may direct. Such bonds and the interest coupons attached thereto, shall be signed by the mayor or chief executive officer of such city, countersigned by the city clerk or city recorder, and no bonds shall be negotiated, sold or disposed of by such city at less than par value, and accrued interest. ('17 c. 15 § 3)

**1371. Private parties may be reimbursed**—Whenever any such bridge has been constructed or improved, and paid for with money furnished by private persons, it shall be lawful for the governing body of such city to use, in part the money so raised by tax levy or bond issue to reimburse the persons making such payments. ('17 c. 15 § 4)

**1372. Expenditures—Bonds—Interest**—Before any expenditures or levies shall be made or any such bonds shall be issued, the governing body of such city shall by resolution determine the amount proposed to be ex-

1366  
31 — 146  
See 2943

1367  
27 — 79R



pended or levied, or, if a bond issue be desired, the number and amount of such bonds, the rate of interest which such bonds shall bear, and the time or times when the principal thereof shall become payable, which resolution, together with a notice that the question of issuing such bonds or making such appropriation, as the case may be, will be submitted to the legal voters of such city for their approval or rejection, at a general or special election to be held upon a day in said notice named, shall be published once in the regular issue of two of the newspapers published in the English language in said city, at least ten days prior to the time of holding such election. If such question is submitted at a special election, the governing body of such city shall give thirty days' notice thereof previous to the day fixed for such election, which notice shall specify the object for which such election is ordered.

The ballot to be used at such election shall be in substantially the following form: if the proposition submitted be that of bond issuance the form shall be:

"Shall the bonds of the city of..... be issued in the aggregate amount of....., bearing interest at the rate of.....per cent per annum, the proceeds thereof to be used for the purpose of constructing, maintaining or repairing the bridge over....., commonly known as the.....bridge, or for reimbursing such citizens of such city as may have advanced money for such construction, maintenance or repair, to mature as set forth in the resolution therefor now on file in the office of the city clerk:

Yes: ( )

( )

No: ( )

( )"

If the proposition submitted be that of appropriation, the form shall be:

"Shall the city council (or other governing body) of the city of..... be given authority to appropriate from the funds of said city an amount not to exceed.....dollars for the purpose of constructing, maintaining or repairing a bridge over the....., commonly known as the.....bridge, or for reimbursing such citizens of said city as have advanced money for such construction, maintenance or repair:

Yes: ( )

( )

No: ( )

( )"

If a majority of the votes cast upon such question shall be in favor of issuing such bonds or authorizing such appropriation, then the city council, or other governing body, shall be authorized to issue such bonds or to appropriate such money from the proper funds of the city in such amount as may be so determined.

For the purpose of paying the principal and interest of such bonds when issued, said city council or other governing body is hereby authorized and it is hereby made its duty, on or before the first day of September next after the date of such bonds, and each and every year thereafter, on or before the first day of September, until payment of such bonds, both principal and interest, is fully provided for, to levy and in due form of law, certify to the county auditor a tax upon the taxable property of said city equal to the amount of interest and principal maturing next after such levy, and, in the event the governing body of such city decide to make direct appropriation without the issuance of bonds, to levy against the taxable property of

said city an amount sufficient to meet the appropriation so to be made, and said governing body may, if necessary, issue the warrant of said city to anticipate such appropriation, payable when the same shall have been levied and collected, provided the electors of said city have voted to authorize such appropriation. ('17 c. 15 § 5)

1373. Licensing soft-drink vendors—There is hereby conferred upon each city, borough and village in the state the authority by ordinance to license and regulate the business of vendors at retail of non-intoxicating beverages, to impose such reasonable license fee therefor as may be prescribed by such ordinance, and to provide for the punishment of any violation of any such ordinance according to the provisions of law. ('19 c. 432 § 1)

1374. Compensation claims preferred—That whenever compensation has heretofore been awarded, or shall hereafter be awarded against any county, city, town, village or school district by any court or commission, having jurisdiction, to any injured employee, or to the dependents of any deceased employee, under the provisions of any workmen's compensation law of this State, such compensation shall be a preferred claim against such county, city, town, village or school district and it shall be the duty of the proper officers of any such county, city, town, village or school district to pay any such claim for workmen's compensation at such times and in such amounts as shall be ordered by the court or commission, out of the general fund of such county, city, town, village or school district, and from the current/tax apportionments received by any such employer for the credit of said fund. ('21 c. 26 § 1)

1375. Warrants are preferred claim—That in any and all cases where the orders or warrants of such county, city, town, village or school district, have heretofore been issued, or shall hereafter be issued, in payment of any such compensation, and shall remain unpaid, all such orders or warrants shall be a preferred claim and shall be paid out of said fund, from current tax apportionments received for the credit of said fund, in preference to any other claims for compensation arising under said law subsequent to the issuing of any such orders or warrants by said employer. ('21 c. 26 § 2)

1376. Act construed liberally—This act shall be liberally construed in order to effect the prompt payment of claims for workmen's compensation against any county, city, town, village or school district, by any injured employee, or the dependents of any deceased employee of such county, city, town, village or school district. ('21 c. 26 § 3)

1377. Conciliation and small debtors court—Whenever the governing body of any city, whether governed by a home rule charter or not, shall by resolution declare that it is expedient that the judge of the municipal court of such city, or one of them in case there be more than one such judge, shall act as a conciliation judge and shall cause a copy of such resolution to be filed with the city clerk of such city, the judge of the municipal court of any such city, or in case there be more than one such judge, then one of them, to be selected as hereinafter specified, shall thereafter as a judge of the municipal court of such city act as a court of conciliation and while so acting he may for convenience be designated as a judge of conciliation and shall have and exercise the rights, powers and duties hereinafter by this act granted and conferred. Provided that the governing body of any such city may at any time rescind such resolution.

Provided further that in cities where there is but one presiding judge of the municipal court, the govern-

1377 Et seq. 27  
1377Etseq. 29 — 242  
29 — 346  
1377 27 — 17  
1377 Et seq. 246nw 115

ing bodies of said city or cities may, by resolution, designate additional compensation to be paid to the presiding judge and the clerk of said court for their services in said conciliation court. ('21 c. 317 § 1)

**1378. Duties — Powers —** Said conciliation judge shall have all powers of a court of conciliation and shall exercise all the special powers conferred by this act. Said conciliation court shall be open at such times as shall be fixed by rule of the municipal court for the hearing and determining of controversies submitted to such court in accordance with the provisions of this act. When such judge is not acting as such conciliation court, under this act, he shall act as a regular judge of said municipal court. No costs shall be taxed to either party in said court, but the judge may include in the settlement and judgment such actual disbursements of the prevailing party as are now allowed by law in civil actions, and as may seem to him just and proper, or he may refuse to include any disbursements if same shall appear just and proper, under the circumstances. The clerk and court officers of said municipal court shall be respectively ex-officio clerk and court officers of said conciliation court, but neither said clerk nor any of said officers shall charge any fee for filing or serving any paper in any case brought under the terms of this act, while the same is pending in said conciliation court. Causes in said court shall be conducted by the parties without attorneys, but a removal to the municipal court as provided in this act may be taken through an attorney at law. ('21 c. 317 § 2)

**1379. Procedure—**Any person having a claim within the jurisdiction of said municipal court may appear before said conciliation judge and here state his cause of action without pleadings and without formality. If such cause of action is within the jurisdiction of said municipal court, the judge shall enter the same upon his docket and shall immediately summon the defendant, orally, or by telephone, or by registered or unregistered United States mail, or by personal service of written summons as provided by law for service of summons in the district court, stating the amount and nature of the claim, and by such summons shall require the defendant to appear before said judge in person, and not by attorney, or if a corporation, by officer or agent, and not by attorney, at a time certain at as early a date as the circumstances of all the parties will permit, and specifying that if he does not so appear judgment will be taken against him by default for the same or relief demanded.

Action in said conciliation court may also be commenced by the plaintiff appearing before the clerk thereof and subscribing to and verifying a claim, which claim shall contain the name and place of residence of plaintiff and the name and place of residence of defendant and a brief statement of the amount and nature of said claim and the time when the same accrued. The clerk when requested shall draw up said claim and when so subscribed and verified shall immediately file the same, and set down the same for hearing before said judge at a time certain as soon as possible and not more than ten days from said date of said filing, and shall immediately notify the defendant in one of the methods above recited of the name and residence of plaintiff and the nature and amount of his claim and requiring defendant to appear personally before said judge at said time, and in case he so fails to appear judgment will be taken against him for the amount of relief so claimed. Said judge may by order require all cases brought to said court to be so begun before said clerk. At the times so set said judge shall hear the statements of the respective parties, and shall use his

best endeavor to have said parties settle said controversy then and there by agreement.

The judge may also hear any witnesses produced by either party. If the parties agree on a settlement of the controversy, the judge shall reduce such settlement to writing in his docket. Said written agreement shall provide that all the parties shall abide the judgment to be entered thereon without removal or appeal or further litigation, and may be signed by all the parties thereto, but whether or not so signed said settlement when so agreed upon and so entered and countersigned by the judge shall have all the force of a judgment of a court of record, and if so ordered by said judge shall be docketed by the clerk of said municipal court in the same manner and enforced as the judgment of said municipal court, but said judge, in case of a money judgment, may by its terms provide for the satisfaction of the same by the payment of the same into said municipal court, either in a lump sum or in installments in such amounts, and at such times, as to said judge, under all circumstances of the case, may seem just and reasonable, or said judge may retain jurisdiction for the collection and satisfaction of the judgment, without execution.

In case the controversy is as to the ownership or possession, or as to both the ownership and possession, of personal property where the value of same does not exceed the sum of fifty dollars (\$50.00) and the action is commenced by the plaintiff filing (as herein provided) with the clerk, a sworn statement as to his ownership, or right of possession, or both, of such property, the court in its discretion may, by order, direct the officer of said court to take possession of such property, immediately, and to hold same subject to the further order of the court, without the giving of any bond whatever. ('21 c. 317 § 3)

**1380. Jurisdiction—Judgment—**(a) In case the parties brought before the conciliation court, in the manner provided in this act, do not agree upon the judgment to be entered, then in case the amount in controversy, whether the claim of the plaintiff or a counterclaim on the part of the defendant exceeds the sum of \$50.00, and the judge is satisfied said counterclaim is in good faith, said case shall be forthwith dismissed and dropped from the docket, without prejudice, but if the amount involved in controversy be \$50.00 or less, or if said judge is of the opinion that the counterclaim, if any, therein in excess of \$50.00 is not in good faith, he shall retain jurisdiction and shall proceed summarily to hear and determine the cause and to enter judgment on his docket. The conclusion of the judge as to the good faith of any counterclaim shall be final and conclusive on all parties for the purposes of the jurisdiction of said court. In case such judgment is not removed, by demand of either party, to said municipal court within five days after the entry thereof, as provided in this act, and said judgment remains unsatisfied, said judgment, on order of said judge shall be docketed in the said municipal court by the clerk and shall thereupon be, and be enforced as the judgment of said municipal court, or said judge may retain jurisdiction for the collection and satisfaction of said judgment by payment to him, but no execution shall issue from said conciliation court.

(b) By its terms, said judgment may provide for its satisfaction by payment into court, either in a lump sum or in installments and in such amounts and at such times as to said judge may under the circumstances of the case seem just and reasonable.

(c) The conciliation court shall be subject to the direction of the judge thereof, but the judges of said municipal court may prescribe rules as to procedure, methods of producing evidences and general conduct



of the case, and the trial thereof, under the provisions of this section, and for carrying out all the provisions of this act. ('21 c. 317 § 5)

**1381. Defaults—Vacation.**—In case the defendant duly summoned as provided in Section 3 of this act, shall fail to appear at the times set for hearing, the conciliation judge may hear the plaintiff and enter a judgment by default, or he may fix a later date for such hearing in accordance with what seems reasonable and just to said judge under the circumstances. Due notice shall be served on defendant, by mail, or telephone, or written notice, as provided in this act, for the purpose of this hearing of the time of said postponed hearing, or that judgment has been entered against him by default. If judgment by default is entered, the judgment debtor may appear before said judge, within ten days after the date of such notice of judgment, and upon showing to said judge good cause therefor and paying to said judge for the benefit of plaintiff the sum of two (\$2.00) dollars shall have said judgment set aside. The judge shall then hear said cause at once, if plaintiff is also present, or set same for hearing as soon as possible, after notice is given to both parties in the manner provided in this act. If the judgment debtor fails to appear within ten days after notice of such default judgment or fails to appear at such second date set for hearing in either case judgment by default shall stand or be entered as the case may be, and shall be as to its terms and method of enforcement as provided in Section 4 of this act. If the plaintiff fails to appear at the time set for any hearing the action may be dismissed, or continued at the discretion of the judge. Nothing in this act shall be construed to limit the power of the court at its discretion to relieve against mistake, inadvertence, surprise or excusable neglect as now provided by law. ('21 c. 317 § 5)

**1382. Appeal.**—(a) Any person aggrieved by the judgment rendered by said conciliation judge, under Section 4 of this act, and who is entitled to a jury trial under the constitution, may have the case removed to said municipal court for trial by jury, but no case shall be so removed unless within five days after such judgment is rendered, and after the clerk shall have mailed notice of the entry of said judgment to each of the parties thereto, which notice shall be mailed immediately and shall specify the day on which the time for removal of said cause will expire, the party so removing same shall do the following things, to-wit:

(1) File with said judge a bond executed by the party demanding the removal, his agent or attorney, to the adverse party in a sum sufficient to secure the amount of such judgment, and costs in such municipal court with sufficient surety to be approved by said conciliation judge, conditioned that the party so removing same shall prosecute said case with effect in said municipal court and abide the order of the court therein and pay any judgment that may be rendered against him therein.

(2) File with said conciliation judge an affidavit of the remover, his agent or attorney, stating that said removal is made in good faith and not for the purpose of delay.

(3) Serve on the opposite party a written demand of such removal in the manner now provided by law for the service of summons in said municipal court and file with said judge such original demand with proof of service thereof. Such original demand or proof of service shall show the office address of the attorney of each party, that has such attorney, and the residence address of the party so removing, if he has no attorney, and the residence address of each of the opposite parties who is served with such notice.

(4) Pay to said conciliation judge the sum of five (\$5.00) dollars for costs and jury fee in said municipal court.

(b) Within three (3) days after all of said things have been done said conciliation judge shall deposit said five (\$5.00) dollars with the clerk of said municipal court and file with said clerk all of said papers together with a copy of said judgment and a certificate setting out in general terms the claims of the parties thereto before him and the issues tried and the case shall be tried in said municipal court upon said issues so certified or upon such others as may be stipulated by the parties or ordered by the municipal court or such issues as either party shall demand in writing at the opening of the trial, and a copy of which he has served on the opposite party at least five days before the trial with a notice that such demand will be made.

(c) When said papers are so filed in said municipal court said judgment shall be thereby vacated and said case shall be there pending and shall be by the clerk set down for trial on the first jury trial day at the foot of the calendar of said day, occurring not less than ten days after the papers are so filed in said municipal court, and shall stand for trial without service of any notice of trial or note of issue whatever, except that at least nine days prior to said trial day said clerk shall mail to each party and each attorney in said case whose address appears in said demand for removal or whose address is known, notice that said case is so set down for trial.

(d) If the judgment creditor remove said case and the final judgment rendered is not increased in his favor, at least ten dollars (\$10.00) over the former judgment, he shall recover no costs in said municipal court, and there shall be entered against him in the judgment, an attorney's fee in favor of the adverse party of ten dollars (\$10.00), either by reducing the judgment in his favor in that amount, or if the amount found in his favor be less than ten dollars (\$10.00) by an affirmative judgment against him for the difference. If the judgment debtor remove said case and final judgment is rendered against him, he shall pay the adverse party in addition to the amount and costs, an attorney's fee to be entered and included in the judgment as follows, viz: five dollars (\$5.00) in case the judgment so removed was five dollars or less, and said final judgment aside from costs is not reduced from the judgment at least three dollars; ten dollars (\$10.00) in case the judgment so removed was ten dollars or less and said final judgment aside from costs is not reduced at least five dollars; fifteen dollars (\$15.00) in case the judgment so removed was more than ten dollars, and said final judgment aside from costs is not reduced at least ten dollars. There shall be no appeal from said municipal court on any action brought there on removal from said conciliation court, but in such case the judgment of said municipal court shall be final ('21 c. 317 § 6)

**1383. Any municipal judge shall preside when.**—In case absence, sickness or other disability of said conciliation judge shall prevent him from performing the duties of his office as hereinbefore prescribed, the presiding judge of said municipal court shall designate one of the other judges of said court to perform the duties of such conciliation judge during his absence or disability. ('21 c. 317 § 7)

**1384. Act not restrictive.**—Nothing in this act shall prevent any person from commencing or prosecuting an action in any court as now provided by law, and nothing in this act shall prevent the parties from waiving a jury in any case when called for trial after having been removed to the municipal court, as provided by this act. ('21 c. 317 § 8)

**1385. Inconsistent acts repealed**—All acts, or parts of acts, in conflict with any of the provisions of this act, are hereby repealed, but nothing in this act shall be construed as in any manner repealing, amending or modifying the provisions of Chapter 263, Laws 1917. ('21 c. 317 § 9)

**1386. Domestic animals shall not run at large—Trespass**—It shall be unlawful for any person or persons to allow any cattle, horses, mules, sheep, swine, or other domestic animals, or any domestic fowls, of which they are the owners, or at which they have the control, to run at large, or upon the lands of another within any city or village in this State. Permitting such running at large, or upon the lands of others, shall be and constitute a trespass. ('21 c. 319 § 1)

**1387. Violations**—Every such trespass and each and every violation of any of the provisions of this act shall be and constitute a misdemeanor, and upon conviction thereof, the person so offending shall be punished by a fine not exceeding one hundred dollars. ('21 c. 319 § 2)

**1388. Animals may be impounded**—Any person may, and every Sheriff, Constable and Police Officer shall detain and impound all such animals and fowls so running at large or trespassing, and when so impounded such proceedings shall be had relative to the animals and fowls so impounded as are or shall be provided by the general laws of this State relating to the impounding of animals. ('21 c. 319 § 3)

**1389. Owner of property may detain**—The owner or occupant of lands in any city or village may detain any of such animals or fowls doing damage on such lands, and thereupon such proceedings as to the said animals or fowls and the disposition thereof and the damage done thereby as are or shall be provided by the general laws of this state relating to the detaining by the owner or occupant of lands, of any beast doing damage thereon, the disposition of the beast detained, and the appraisal of the damages, and the collection thereof. ('21 c. 319 § 4)

**1390. Owner of animals to be liable for trespass**—In case the owner or occupant of lands shall not detain the animals or fowls doing damage as provided herein, then any person who shall knowingly permit the running at large or trespass of any such domestic animal or fowl within any city or village, shall be liable to the person aggrieved for treble the damages sustained by him, to be recovered in a civil action. ('21 c. 319 § 5)

**1391. Cities may impose wheelage tax**—Any borough, city or village may impose a wheelage tax upon motor-vehicles using the public street or highways, provided that:

Subd. 1. No wheelage tax imposed by any borough, city or village shall exceed a sum equal to twenty per cent tax imposed by the state in lieu of all other taxes, except such wheelage tax, upon motor-vehicles using the public streets or highways.

Subd. 2. No borough, city or village shall impose a wheelage tax upon the vehicle of any person not a resident of such borough, city or village, unless such vehicle shall be used principally upon the streets or highways of such borough, city or village.

Subd. 3. No such wheelage tax shall be imposed upon any vehicle used upon the public streets or highways solely for the purpose of selling or peddling the products of the farm or garden occupied and cultivated by the owners of such vehicles. ('21 c. 454)

See '21 c. 465 relating to refund.

**SPECIAL ACTS RELATING TO CITIES GENERALLY**

Continuing use of funds from bonds sold under '13 c. 274 for park purposes authorized despite charter limitations ('15 c. 12). Amendments to city charter legalized. ('15 c. 297). Ordinances or resolutions creating, opening,

widening, vacating or altering streets to be recorded ('15 c. 322) repealed '17 c. 416. Awarding of contracts for public improvements and assessments ('17 c. 165). Refunding bonds for certain cities authorized ('19 c. 203). Appropriation for Minnesota war records commission ('19 c. 288). Deposit of funds in County Treasury where Board of Control of county and city exists (Ex. Sess. '19 c. 36; '21 c. 243). Cities and villages may within seven months after act erect poles and string wires to light streets ('21 c. 92). Gas companies may use pipes to supply adjacent cities ('21 c. 93). Declaration of vacation of streets in cities of fourth class ('21 c. 94). Tax levy for 1921, and subsequent years limited ('21 c. 417). Payment of fireman's relief association legalized ('21 c. 526). Legalizing indebtedness on defective incorporation ('23 c. 22). Plats for additions corrected and legalized ('23 c. 178). Bonds for water works authorized ('23 c. 180). Establishment of building lines authorized ('23 c. 193). Appropriation for payment of dues to league of Minnesota municipalities authorized ('23 c. 211). Municipalities authorized to provide tourist camps ('23 c. 277). Establishment of war memorials by cities authorized ('23 c. 325).

**PROVISIONS RELATING TO CITIES OF FIRST CLASS.**

**1392. Registration for special elections in cities having 50,000 inhabitants, etc.**—It shall not be necessary to make new precincts, to appoint judges, or to make new registration of voters for special elections held for any purpose whatever, in and for cities having more than 50,000 inhabitants, but the registration for the last preceding general election shall be used, the precincts shall be the same as at the last preceding general election, the polling places shall be the same as near as may be and the judges of election at the last general election in any precinct shall continue to be judges of election for such special election and vacancies of judges may be filled the same as in case of general elections, and such judges shall have the right to take from the city clerk or other legal custodian, and use at such special election, the registers used at said last general election, any name thereon being subject to challenge as at a general election. ('07 c. 148 § 1) [433]

**1393. Same—Qualified voter not registered may vote—Oath**—If any person whose name does not appear on said registers shall ask to vote at said special election his name shall be entered upon such registers upon taking such oath, answering such questions and complying with such other provisions of the Revised Laws, 1905, as are required for registration. After his name is so entered and before he receives the ballot the judges shall administer the following oath: "You do swear that you are a citizen of the United States; that you are twenty-one years of age, and have been a resident of this state for six months immediately preceding this election; that you are a qualified voter in this district; and that you have not voted at this election." Upon taking this oath if the judges are satisfied he is a qualified voter he shall be allowed to vote. If such person refuse to take this oath he shall not be allowed to vote and his name shall be removed from the registers. ('07 c. 148 § 2)

129-118, 151+911.

**1394. Commissioner of registration**—That the office of Commissioner of Registration be and the same is hereby created in all cities now or hereafter having a population of more than 50,000 inhabitants, governed under a home rule charter adopted pursuant to section 36, Article 4, of the Constitution of this state. The City Clerk of each such city is hereby constituted such Commissioner of Registration. ('23 c. 305 § 1)

**1395. Definitions**—For the purposes of this act the word "elections" wherever used shall be held to mean general, special, school, or primary elections both state and municipal. ('23 c. 305 § 2)

**1396. Voters must be registered**—From and after the first of January, 1924, no qualified voter shall be

1392  
25 — 278  
25 — 375  
27 — 300

1393  
25 — 420

301 Note 62

permitted to vote at any election unless such voter shall register as provided in this act. ('23 c. 305 § 3)

**1397. Commissioner to have charge of registration—**The said Commissioner of Registration shall have complete charge of the registration of all qualified voters within such city. He shall appoint such deputies and clerks, provide printed forms and blanks, together with such other supplies and equipment as are necessary to properly carry out the provisions of this act. Subject to the provisions of this act, he shall prescribe such reasonable rules and regulations as to office hours and places and manner of registration as may be necessary. Provided, however, that places of registration shall be established throughout the city, one to each precinct in the usual polling places, the same to remain open for a period of two registration days in 1924 from six o'clock A. M. to nine o'clock P. M., said registration days to be fixed by the city clerk. One of said days in 1924 to be prior to the primary election and one of said days in 1924 to be prior to the general election, and provided further that the office of the Commissioner of Registration shall remain open until nine o'clock P. M. each of the four Saturdays immediately preceding the last registration day as prescribed by this act. He is hereby authorized and empowered to appoint such temporary clerks of registration as may be necessary. All deputies, clerks and other employes appointed by the Commissioner of Registration shall be subject to the provisions of any Civil Service law that now is or hereafter may be applicable to any such city. ('23 c. 305 § 4)

**1398. Registration lists—**As soon as possible after the passage of this act and not later than January 1, 1924, the Commissioner of Registration shall proceed to take the necessary steps for establishing the registration plan. He shall provide for an original list of qualified voters properly indexed, which shall be kept at the office of the Commissioner of Registration in a place and in such manner as to be properly safeguarded. Such list shall be known as "The Original Registration List" and shall not be removed from the Commissioner's Office except upon Court order. A second list to be known as "The Duplicate Registration List" shall be prepared from the "Original Registration List" by the Commissioner. Such "Duplicate Registration List" shall at all times, subject to reasonable rules and regulations, be open to public inspection. ('23 c. 305 § 5)

**1399. Form of records—**For the purpose of expediting the work of the Commissioner of Registration, for uniformity and for preparation of abstracts and other forms in use by the election boards, the registration records shall be substantially as follows;

(a) Suitable card index devices shall be provided. There shall also be provided suitable index cards of sufficient facial area to contain in plain writing and figures the data required thereon.

(b) The following information concerning each applicant for registry shall be entered on the card:

(1) If a man,—

Ward

Election District

Name, i. e., the name of the applicant, giving surname and Christian names in full.

Residence, i. e., the name and number of the street, avenue or other location of the dwelling, and such additional clear and definite description as may be necessary to give the exact location of the applicant.

Age, Are you 21 years of age,—it being required that the applicant shall be 21 years of age on or before the day of election next following the date of application.

Term of Residence, i. e., Will you have lived in the State of Minnesota for six months on or before the date of the next primary election or other election? Will you have lived in the election district for 30 days on or before the date of the next primary election or other election?

Nativity. In what state or country were you born?

Citizenship. Have you ever renounced your allegiance to the United States of America? Are you a naturalized citizen? Have you been a naturalized citizen for the three months prior to the date of the election next following the date of this application? In what court were you naturalized? Did your parents take out their second papers before you became 21 years of age and while you were a resident of the United States?

Date of Application, i. e., the day, month and year when the applicant presented himself for registration.

Signature of Voter. The applicant after registration shall be required to sign his name on both the Original and the Duplicate Registration Lists.

(2) If a woman,—

The information requested shall be the same as for males with such additional information as may be necessary to determine the qualifications of the applicant for registration.

(c) There shall be provided removal notices to be given out upon request for use of any registered voter moving to a new location. These notices shall be printed upon thin card, shall contain a blank form showing where the applicant last resided and the address and exact location to which he is moving, and shall have a line for his signature similar to the one upon the original registration card. Upon receipt of such removal notices the Commissioner of Registration shall make entry of such change of residence on the original and the duplicate registration lists and the applicant shall thereupon be qualified to vote in the new election district.

(d) The Commissioner shall compile and shall deliver to the judges of election in each district a register of the voters in that district, which register may be the Duplicate Registration List, and as such shall be known as the "Election Register." Such register shall contain in alphabetical order the name and address of every registered voter in that election district, together with a space following each name in which shall be recorded the words "voted" or "not voted" as the case may be. Also a space for "remarks" in which shall be recorded any challenge, affidavit or other information as may be required. In case the Commissioner shall elect to provide the Election Registers in the form of poll books so called, upon completion of each such poll book and before it is delivered to its election district, the Commissioner of Registration shall stamp each leaf thereon containing names on the first open line after the last name entered, with a small stamp, which shall read "List closed for election—19—."

(e) For purposes of preventing fraudulent voting and for eliminating excess names, following the close of registration, the Commissioner of Registration may send by mail to any voter whose name appears on the Original Registration List, a notice bearing a statement substantially as follows:

You are hereby notified that your name and address appears on the Original Registration List as shown on the opposite side of this card. If there is any mistake in the above name or address present this card at the office of the Commissioner of Registration No. \_\_\_\_\_ City Hall, for correction on or before \_\_\_\_\_ 19—. The return of this card by the Post Office to the Commissioner of Registration will be accepted as

evidence on which to challenge your vote on election day.

Commissioner of Registration.

Upon the return by the Post Office of any such notice, the Commissioner of Registration shall direct an authorized clerk to check up the name and address in person, and if the voter whose notice has been returned is found to have removed from the address as recorded on the Original Registration List, the Commissioner of Registration shall cause to be entered on the Election Register of the proper district, in the proper space opposite the said voter's name, the word "challenged." No one so challenged shall be permitted to vote except by complying with the provisions of law applicable to the proving of challenges. ('23 c. 305 § 6)

**1400. Voters to register fifteen days before elections**—The Commissioner of Registration or a duly authorized clerk acting for him shall, up to fifteen days next preceding any election, receive the application for registration of all such qualified voters as shall personally appear for registration at the office of the Commissioner or at such other place as is designated by him for registration, who then are, or on the date of election next following the day of making such application, will be entitled to vote. Any qualified voter who applies for registration shall subscribe to the following oath or affirmation, viz;

You do solemnly swear or affirm that you will fully and truly answer such questions as shall be put to you, touching your qualifications as voter, under the laws of this state.

Upon being sworn, the applicant shall answer such questions as are required as herein before set forth, and the clerk shall fill out the form which the applicant shall sign, and he shall not be required to register again for any election; provided, however, that failure to vote at least once in two calendar years wherein elections are held shall operate as a challenge and shall require the applicant to re-register. Registration by mail is hereby specifically prohibited. In case a qualified voter is unable to write his name, he shall be required to make a cross, which shall be certified by the signing of the name of the applicant by the registration clerk taking the application. No qualified voter who is unable to sign his name may be permitted to mail or hand in a removal notice as in this act provided, but must appear in person to secure a removal of his name to his new voting district. ('23 c. 305 § 7)

**1401. Commissioner to make election registers**—The Commissioner of Registration shall have 15 full days between the last day of registration and election day, to perfect his Election Registers and for that purpose 15 days before any election day shall be days upon which voters may not register. During these thirty days the Commissioner shall complete the Election Registers and on the day before election day shall deliver them as required by law to each election district. ('23 c. 305 § 8)

**1402. Election registers to be checked up and compared**—Immediately following each election the clerks of registration shall enter upon the Original and the Duplicate Registration List from the Election Registers, the information thereon recorded, showing in the case of each registered voter that he has "voted," or "not voted," as the case may be; also, any "challenge," "affidavit," or other information affecting the right of any registered person to vote. At the close of each calendar year after the second year of the registration under this act, clerks of registration shall check up the Original Registration List for the purpose of eliminating excess names, and to that end, they shall examine the Election Registers and whenever it appears

that a registered voter has not voted at an election at least once in two calendar years wherein elections are held, his card shall be taken from the Original and the Duplicate Registration Lists and placed in a transfer file, and a printed postal card notice of that fact with the information that his vote has been challenged, and that the voter must re-register to remove said challenge, shall be sent to the last known address of said voter. When removal notices are received by the clerks they shall examine the signatures and compare them with the original and if they are not similar a postal card notice, stating a refusal to transfer for that cause, shall be sent to the applicant at the new address given. ('23 c. 305 § 9)

**1403. Applicants may be challenged**—Any person may challenge a registration at any time by filing a written challenge with the Commissioner of Registration. Persons so challenging shall appear before the Commissioner of Registration thereafter to prove their challenge, and the person so challenged shall have notice given of the challenge and the Commissioner shall decide the right to the entry of the evidence. Either party may appeal to the District Court of the county in which the challenge is made and a date for the hearing shall be fixed and the decisions of such Court shall be final. ('23 c. 305 § 10)

**1404. Violations and penalties**—Any officer or employe who shall wilfully fail to perform or enforce any of the provisions of this act, or who shall unlawfully or fraudulently remove any registration card or record from its proper compartment in the registration records, or who shall wilfully destroy any record provided by this act to be kept, or any person who shall wilfully or fraudulently register more than once, or register under any but his true name, or attempt to vote by impersonating another who is registered, or who wilfully registers in any election district where he is not a resident at the time of registering, or who adds a name to a page or pages, or who violates any of the provisions of this act, shall be guilty of a felony. ('23 c. 305 § 11)

**1405. Oath of office**—Before entering upon his duties, each officer or clerk in whatever capacity shall subscribe to an oath in such form as provided by the attorney for the city. ('23 c. 305 § 12)

**1406. Expenses**—The necessary expense in each city for carrying out the provisions of this act shall be paid by such city and the City Council of such city shall provide out of the current revenues of the city sufficient funds based upon the estimate prepared by the Commissioner of Registration. The City Council of any city in which this act applies may in its judgment compensate the Commissioner of Registration for the additional service required by the performance of the duties herein described in addition to any salary such Commissioner as City Clerk may receive at the time of the adoption of this act and notwithstanding any provision of the charter of such city, and the compensation so paid to the Commissioner of Registration may be retained by him, notwithstanding any provision in the charter of such city to the contrary. ('23 c. 305 § 13)

**1407. Inconsistent acts repealed**—All acts and parts of acts inconsistent with this act are hereby repealed. ('23 c. 305 § 14)

**1408. Employment bureaus**—Any city of the first class may establish and conduct an employment bureau, and provide by ordinance or otherwise for its regulation and maintenance by the city. (760) [1431]

133-109. 1574-995.

**1409. Elevator operators—License—Penalties**—No person shall operate a passenger elevator in any city of the first class without being licensed so to do by

the building inspector. The inspector shall examine the applicant as to his knowledge of the construction of elevators, and his experience and ability in their operation, and, if he be found qualified, shall license him to run elevators in such city for one year. The licensing officer shall receive twenty-five cents for each license issued. No person shall employ or permit a person not the holder of a license to operate any passenger elevator under his control. Every violation of this section shall be a misdemeanor. (761) [1432] 133-109. 157+995.

1410. **Attaching new territory**—Lands not exceeding 50 acres in area, adjoining and contiguous to any organized city of over 50,000 inhabitants may, upon the approval of the mayor of said city, and the board of supervisors of the township in which such lands are located, be attached to, and become part of such city upon the petition of 500 legal voters thereof requesting that said territory be so attached. Said petition shall before its presentation to the mayor be first approved by said board of supervisors which approval shall be endorsed thereon, signed by a majority of said board and attested by the town clerk, provided, however, that after presentation of said petition to the mayor for approval or rejection, a notice specifying the substance thereof and that an application will be made to him to approve the same at a time and place therein named not less than 20 days from the date thereof shall be served upon the owner of said premises so proposed to be attached by the delivery of a copy thereof, or if he cannot be found, of which fact the return of the sheriff that he cannot be found in said county shall be prima facie evidence, then upon the person or persons in actual possession of said premises at least twenty days prior to the date fixed in said notice. If the lands are vacant and unoccupied, and the owner of the record title cannot be found in said county, then said notice shall be published in some newspaper of general circulation, published in said city in one issue thereof, at least twenty days prior to said date. If approved by the mayor the same shall be endorsed upon said petition and further evidenced by proclamation to be issued by him reciting the prayer of said petition, the number of signatures attached thereto, the approval thereof by said board of supervisors, and certifying that such territory, describing it, is a part of such city, which said proclamation shall be deemed to be prima facie evidence of the matters therein stated, and of the legality and regularity of all proceedings involving the annexation of such territory. Said petition shall be addressed to the mayor and upon presentation shall be filed and recorded in his office. ('05 c. 219 § 1) [1433]

1411. **Duty of council**—Said proclamation shall be recorded in the office of the register of deeds of the county in which said territory is situated and also in the office of the secretary of state, whereupon said lands shall be deemed to be attached to and a part of said city. ('05 c. 219 § 2) [1434]

1412. **Expenses**—The expenses incident to such proceedings shall be audited and paid by the city, provided the lands are annexed thereto. ('05 c. 219 § 3) [1435]

1413. **Annexation of territory**—Territory may be detached from any incorporated village or city of the fourth class and annexed to an adjoining city of the first class as follows: The council of any village or city of the fourth class shall, on the petition of one hundred freeholders, submit the proposition of detaching specified territory from such village or city of the fourth class and annexing it to an adjoining city of the first class to the voters of such village or city of the fourth class for their approval or rejection at

the next regular village or city election, or at a special election called for the purpose. Notice of any election to vote on such proposition shall be given by posting three written or printed notices thereof in three of the most public places within said village or city of the fourth class outside of the territory proposed to be detached, and in three of the most public places within the territory proposed to be detached, and shall state the time and place, when and where within said village or city of the fourth class such election will be held, and shall also state the proposition on which the said electors will vote. Notice of such election shall also be published for one full week prior to the date of said election in a newspaper printed or published in said village or city of the fourth class, and, if there be no newspaper printed or published in said village or city of the fourth class, then in a newspaper printed and published at the county seat of the county in which such village or city is located. Said election shall be held within sixty days from the time said petition is filed in the office of the village recorder or city clerk, and ten days notice thereof shall be given. The ballots shall have upon them the proposition to be voted upon, together with the words "for detaching" and "against detaching," and the said special election shall be held, conducted and the results thereof counted and canvassed in the same manner as in special elections held for other purposes in villages and cities of the fourth class. ('23 c. 352 § 1)

1414. **Electors of annexed property to vote thereon**—If it appears that ( $\frac{5}{8}$ ) five-eighths of the electors of such village or city of the fourth class casting their ballots upon the question at such election are in favor of the detachment, then and in such case the council of such village, or city of the fourth class shall adopt a resolution reciting the results of such election and stating that such village or city of the fourth class consents to the detachment from it of the territory described and to the annexation of such territory to an adjoining city of the first class, and a certified copy of such resolution shall thereafter be filed with the clerk of such city of the first class, who shall present the same to the council of such city of the first class at its next regular meeting. ('23 c. 352 § 2)

1415. **Councils to adopt resolution of annexation**—Thereupon, if the council of such city of the first class finds that the territory described in such resolution is so conditioned as to properly be made a part of such city of the first class, it shall have power, by resolution duly adopted, to annex such territory and immediately upon the adoption of such resolution the territory annexed shall become a part of such city of the first class for all purposes, except that such annexation shall not release the property annexed from liability on account of any outstanding indebtedness of such village or city of the fourth class existing at the time of the annexation. Thereafter the city clerk of such city of the first class shall file with the register of deeds of the county wherein such city of the first class is situated and in the office of the secretary of state a certified copy of the resolution adopted by the council of such city of the first class annexing the territory described to such city of the first class. ('23 c. 352 § 3)

1416. **Salary of mayor**—In cities of the first class the salary of the mayor shall be six thousand dollars (\$6000.00) per annum, payable in equal monthly installments; provided that this act shall not apply to any city whose inhabitants have adopted or hereafter shall adopt, a charter pursuant to section 36, article 4, of the state constitution. ('07 c. 370, amended '13 c. 381 § 1) [1436]

1417. **Salaries of aldermen**—That in cities now or hereafter having over fifty thousand (50,000) inhabit-

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ants, the salary of each alderman shall be fifteen hundred dollars (\$1,500) per annum, payable pro rata monthly, out of the city treasury; provided that this act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4, of the constitution of this state, as amended, and chapter 351 of the General Laws of 1899, and amendments thereto. ('13 c. 491 § 1) [1437]

Minneapolis aldermen to receive salary of \$1,800 per annum. ('17 c. 460)

**1418. Salaries of members of council**—That in any city in this state now or hereafter having a population of over 50,000 inhabitants, each member of the common council, or city council of said city shall receive and be paid as salary the sum of three hundred dollars, per annum, from the treasury of said city, in equal monthly installments, of twenty-five dollars; provided, however, that in any city, the conference committee thereof, or said other committee or body as may have the right by law to recommend to the common council, or city council, the annual tax levy therefor, may include in such recommendation an amount not exceeding twelve hundred dollars per annum, as the salary of each member of the common council, or city council of such city, and when so recommended and included in the tax levy, each member of the common council or city council shall receive and be paid such amount from the treasury of such city in equal monthly installments as his annual salary. ('07 c. 284 § 1) [1438]

**1419. Not to apply to certain cities**—This act shall not include or apply to cities the members of the common council or city council, of which now or hereafter shall receive a greater amount than herein provided as salary or compensation. ('07 c. 284 § 2) [1439]

**1420. Salary of clerk in cities not under home rule charters**—The city council or common council of every city of this state now or hereafter having over fifty thousand inhabitants, in addition to the powers and authority heretofore granted, is hereby authorized and empowered to fix by resolution the compensation or salary per annum of the city clerk of such city immediately after the passage of this act and at the beginning of every term of office of such city clerk thereafter.

This act shall not apply to any such city governed by a home rule charter adopted under the provisions of section 36 of article 4 of the state constitution and the laws of this state relating to the adoption of such home rule charters. ('13 c. 166 § 1) [1440]

**1421. Salary of chief of police**—That in all cities of this state now or hereafter having a population of over fifty thousand inhabitants, the board of police commissioners of any such city are hereby authorized and empowered to fix and prescribe the salary and compensation of the chief of police of such city at an amount not to exceed four thousand dollars per annum, and the sum so fixed and determined shall be paid to such officer in equal monthly installments from the treasury of such city. ('07 c. 51 § 1) [1441]

**1422. Salaries of officers of fire department**—That in all cities of this state now or hereafter having a population of more than 50,000 inhabitants, the board of fire commissioners or the city council, if there is no board of fire commissioners, of any such city is hereby authorized and empowered to fix and prescribe the salaries and compensation of the chief engineer, first, second and third assistant engineers and district and battalion chiefs of the fire departments and the salary of the superintendent of fire alarm department of any such city. ('07 c. 401 § 1) [1442]

**1423. Fire marshal**—In every city in the state of Minnesota that now has, or hereafter may have, a

population of over fifty thousand inhabitants, and which does not now have an official in its fire department designated and acting as fire marshal, under the charter of such city, there is hereby created the office of fire marshal, and it shall be the duty of the chief of the fire department of such city to appoint from among the members of the fire department a fire marshal, and he shall hold office until removed for cause. ('11 c. 94 § 1) [1443]

**1424. Duties and powers—Compensation**—It shall be the duty of the fire marshal to examine all property within said city and enforce the ordinances of the city relating to the care of chimneys, the storage and handling of explosives and enforce all other ordinances and laws of the state pertaining to precautions against danger from fires. Said fire marshal shall have power to enter any dwelling or other building between 7 o'clock a. m. and 6 o'clock p. m. for the purpose of making said examination, and he shall examine into the cause of every fire which shall happen in such city and make a complete report of the same, and make a report thereof monthly to the chief of the fire department. He shall report all violations of ordinances of the city and laws of the state relating to the public safety, in all public buildings, and shall sign and file complaints before the proper prosecuting officers for the enforcement of said ordinances. Said fire marshal shall receive as his compensation a sum to be fixed by the board of fire commissioners, not less than the salary paid a captain of the fire department of such city. ('11 c. 94 § 2) [1444]

**1425. Maximum expenditure for fire department**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its common council, to fix the maximum expenditure each year for the support and maintenance of its fire department, and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 286 § 1)

**1426. Pensions for members of volunteer fire departments**—That the city council or other governing body of every city in this state of the first class not operating under a home rule charter, which has had a volunteer fire department, is hereby authorized to pension retired members thereof not drawing a pension from the relief association of any paid fire department, such pension not to exceed \$25 per month, and to be paid to such members under rules established by said city council or governing body; provided, however, that no such retired fireman shall receive such pension unless he served actively without pay as a member of such volunteer fire department for at least four years preceding the 31st day of July, 1879. Provided further, that before any retired member of such volunteer fire department shall be entitled to the benefits of this act, said retired members of such volunteer fire department shall first make written application for the pension herein provided and file the same with the city clerk. Thereafter said council or governing body shall upon proper investigation allow or deny said application as it may deem proper. ('13 c. 419 § 1) [1446]

**1427. Tax levy**—Every such city is hereby authorized and empowered to levy a tax for the purpose of providing such pensions, not to exceed two-tenths of one mill, on all the taxable property of such city. ('13 c. 419 § 2) [1447]

See Insurance, '23 c. 179.

**1428. Salary of first assistant commissioner of public works**—That in all cities of this state now or hereafter having a population of over 50,000 inhabitants, the commissioner of public works of any such city is hereby authorized and empowered to fix and prescribe



the salary and compensation of the first assistant commissioner of public works of such city at an amount not to exceed three thousand six hundred dollars per annum and the sum so fixed and determined shall be paid to such officer in equal monthly installments from the treasury of such city. ('07 c. 241 § 1) [1448]

1429. **Salary of president of workhouse board in cities under home rule charters**—That hereafter the president of the board of public workhouse directors, or the president or chairman of such other board or body as may have charge and control of the public workhouse of any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall receive for his services, an annual compensation of not to exceed twelve hundred dollars, payable in equal monthly installments, the amount so paid to be fixed by the common council of the city. This act shall apply to cities existing under a charter framed pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('09 c. 256 § 1) [1449]

1430. **Assistant attorneys in legal department**—That the common council of any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the power and authority, by resolution approved by the mayor, once in every two years, by a two-thirds vote of all members elect thereof, to fix the number and respective salaries of assistant attorneys in the legal department of such city. ('11 c. 124 § 1) [1450]

1431. **Maximum expenditure of police department**—That any city in this state, now or hereafter having a population of over 50,000 inhabitants, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its common council, to fix the maximum expenditure each year for the support and maintenance of its police department, and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 301 § 1) [1452]

1432. **Pensions for police matrons**—In every city of this state now or hereafter having a population of over 50,000 inhabitants, where there is or may be created a police pension fund, governed and managed by a police pension board or relief association in accordance with the provisions of Chapter 159 of the General Laws of Minnesota for the year 1903, as subsequently amended by chapter 109 of the General Laws of Minnesota for the year 1905, such police pension board or relief association is hereby further authorized and directed to make further provisions for creating and paying pensions to disabled and retired police matrons, assistant matrons and other police women in such cities as provided in the following section. ('05 c. 180 § 1; amended '11 c. 188 § 1; '19 c. 460 § 1) [1453]

1433. **Pension board**—That every police pension board or relief association organized or incorporated in conformity with the laws of the state of Minnesota regulating the incorporation of societies for benevolent and other purposes and which has received or shall hereafter receive moneys from the state of Minnesota raised by taxation in said state, is hereby authorized and directed to pay out of and from any funds it may have received from the state of Minnesota or from any other source a service pension not less than twenty-five dollars per month to each police matron, assistant matron and other police woman who shall, at the time of her application, either before or after the passage of this act, have arrived at the age of fifty years or more and who has prior to her application or shall hereafter have done active service as police matron, assistant police matron or other police woman for a period of twelve years or more in the police department of such city in which such police pension board or relief association has been or shall be so organized, and has retired

therefrom; or has been or shall be disabled physically or mentally while in the performance of her duties as such police matron, assistant matron or other police woman, so as to render necessary her retirement from active service in such capacity; and every such police pension board or relief association is hereby authorized and directed to pay to any such police matron, assistant police matron and other police woman who shall, at the time of her application, either before or after the passage of this act, have arrived at the age of fifty years or more, and who has prior to her application or shall hereafter have done active service as police matron, assistant police matron or other police woman for a period of twenty years or more in the police department of such city, or who has been or shall be disabled physically or mentally while in the performance of her duties, so as to render necessary her retirement from active service in such capacity the same monthly service pension that it pays to male members of such association or police force, not, however, exceeding the sum of fifty dollars per month.

It shall not be necessary to entitle such police matron, assistant matron or other police woman to such pension, that she become a member of such relief association. ('05 c. 184 § 2; amended '11 c. 188 § 2; '19 c. 460 § 2) [1454]

1434. **Pensions to police women**—The pension authorized by this act shall not be paid to any police matron, assistant matron or other police woman while drawing salary in any amount from such police department. ('05 c. 184 § 3; amended '19 c. 460 § 3) [1455]

1435. **Laws applicable**—Each and every of the provisions of chapter 159 of the Laws of 1903 as amended by chapter 109 of the Laws of 1905 are hereby made subject to the provisions of this act for the purpose of allowing all police matrons, assistant matrons and other police woman, in cities of 50,000 inhabitants and over, to obtain the same privileges and benefits as disabled and retired policemen in such cities. ('05 c. 184 § 4; amended '19 c. 460 § 4) [1456]

1436. **Police pensions**—In every city in this state now having or hereafter having a population of over 50,000 inhabitants including all such cities having and operating under a charter adopted in pursuance of section 36, article 4, of the constitution of Minnesota, there may be created a police pension fund, which shall be managed, controlled and distributed in accordance with the provisions of this act. ('15 c. 68 § 1; amended '23 c. 54 § 1)

1437. **Incorporation police department as relief association**—That every paid municipal police department now existing or which may hereafter be organized, is hereby authorized to become incorporated pursuant to the laws of this state, or adopt a constitution and by-laws as a relief association, to provide for and permit and allow such police relief association so incorporated or so organized, or any police pension relief association now in existence and incorporated according to law, to pay out of, and from any funds it may have received from any source, a service, disability, or dependency pension in such amounts and in such manner as its articles of incorporation or the constitution and by-laws shall designate, not exceeding, however, the following sum per month to each of its pensioned members who shall have reached the age of fifty years or more, and shall have served twenty years or more in such department, or their widows and children under sixteen years of age, viz:

A sum equal to one-half of the monthly compensation allowed such member as salary at the date of his retirement, when such member shall have arrived at the age of fifty (50) years or more and shall have

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served as a member of such paid municipal police department for a period of twenty (20) years or more in the police department of such city in which such relief association shall be so organized, or is so in existence, or who has been disabled physically or mentally because of any injury received or suffered while in the performance of his duties as such member, so as to render necessary his retirement from active police service. Provided, however, that if any member retires under the provisions of the act before he has served one year in the grade in which he is serving when he retires, he shall receive the same compensation as though he had retired in the next lower grade. Provided further, that no retired member shall receive more than seventy-five (75) dollars per month. Said pension may be paid to any widow or child under sixteen years of age of any such pensioned and retired member of the police department or to any widow or child under sixteen years of age of any member who dies while in the service of the police department of any such city, and such widow or child shall receive the sums hereinafter provided:

Forty (40) dollars per month to such widow and Ten (10) dollars per month to each of such children under sixteen years of age; provided, however, that in the event that any such widow remarries, she shall receive no further benefits under this law; provided further, that any retired member of such police department or his family receiving benefits under any of the police pension laws of this state at the time of the passage of this act shall not be entitled to receive any increased benefits after the passage of this act; provided, further, that said fund shall not be used for any other purpose than for the payment of service, disability or dependency pensions as herein provided. ('15 c. 68 § 2; amended '21-c. 118 § 1)

**1438. Pension to be paid**—The pension authorized by this act shall not be paid to any person while drawing salary in any amount from such city as an employee in said police department; and no member shall be entitled to said pension after he removes his residence from the United States, or who shall have been convicted of a felony or misdemeanor for which he shall have been adjudged to be imprisoned, or who is an habitual drunkard; and any person receiving the pension herein mentioned shall not receive or be entitled to receive any other or further pension or relief from said association. ('15 c. 68 § 3)

**1439. Not subject to attachment**—No pension allowed or to be allowed by said Pension Board under this act, shall be subject to judgment, garnishments, or executions or other legal process, and no person entitled to such pension shall have any right to assign the same, nor shall said association have the authority to recognize any attempted assignment or pay over any sum whatever which has been assigned or attempted to be assigned. ('15 c. 68 § 4)

**1440. Association to have charge of fund**—Said association through its officers shall have full charge, management and control of the pension fund herein provided for, which said funds shall be derived from the following sources: From gifts of real estate or personal property, rents, money or from other sources. It shall also be the duty of the city treasurer of any city affected by this act to deduct each month from the monthly pay of each member of such police department, a sum equal to one per cent of such monthly pay, and place the same to the credit of the said police pension fund; it shall be the duty of every police officer receiving any reward for services in making arrests, or otherwise, to place to the credit of the police pension fund all such rewards, and it shall be the duty of the chief of police of any such city to place

to the credit of the police pension fund all moneys falling into the hands of the police that shall remain unclaimed for a period of six months, and to sell all unclaimed property falling into the hands of the police when the same shall have been unclaimed for a period of six months and place the proceeds thereof to the credit of the said police pension fund.

An amount or sum equal to two tenths (2/10) of one mill, and not to exceed two sixth (2/6) mill, in addition to the rate allowed to be levied by the charter of any city affected by this act, shall be annually assessed and levied at the time and in the manner that taxes for the other funds of such city are levied by proper officers of such city where a police relief association now exists, upon each dollar of all the taxable property in such city as the same appears on the tax records of such city and such levy of said sum for the benefit of such police relief association shall be collected and apportioned by the proper officers of any county in which such city is located, in the same manner as are all taxes of such city. ('15 c. 68 § 5; amended '21 c. 118 § 2)

**1441. Membership of governing board**—The governing board of said association shall consist of five members to be elected annually, who shall hold their term of office for one, two, three, four and five years, respectively, or until the successor of each is duly elected and qualified, and the mayor, chief of police, and city treasurer shall be ex-officio members of said board and the city treasurer shall be the custodian of all funds of said association and disburse the same as directed by said board. All vacancies occurring in the elective membership of said board shall be filled by a special election called for that purpose. In any such city where the police department is under the direction and supervision of a commissioner of public safety and not under the direction and supervision of the mayor of such city, said commissioner of public safety shall be ex-officio member of said board in the place of the mayor of such city. ('15 c. 68 § 6)

**1442. Not to repeal existing acts**—This act shall not be deemed to repeal existing acts inconsistent therewith, but shall be construed as supplemental thereto, and any paid municipal police department now operating under other police pension laws of this state, shall continue thereunder until it shall elect to come under the provisions of this act, with the consent of the city council or other governing body of said city. ('15 c. 68 § 7)

**1443. Expenditures of engineering departments**—That any city in the state now or hereafter having a population of over fifty thousand inhabitants, in addition to all powers now possessed by it, shall have the power and authority, acting by and through its common council, to fix the maximum expenditures each year for the support and maintenance of its engineering and building inspection departments and to include the amount so fixed in the current annual tax levy for such city. ('07 c. 194 § 1) [1457]

**1444. "Board" and "department" defined**—The terms "board" or "department," as used in this act, shall mean and embrace board of education, library board, park board, board of charities and corrections and all other boards or departments of every kind and nature expending public funds for the use and benefit of any such city. ('09 c. 374 § 1) [1458]

**1445. Statements, etc., to comptroller**—Contracts—It shall be the duty of every such board or department on the first day of each calendar month and at such other times as the city comptroller, in writing, may demand, including such further information as the city comptroller may demand, to furnish such city comp-

1441  
Et seq.  
31 — 307  
33 — 374

1440  
20 — 311  
25 — 197  
1440 Et seq.  
190  
1440  
31 — 118  
1440  
247nw 514

troller with an accurate and complete statement, properly attested by the proper officer, of all its acts, including all the names, addresses, kind of labor and compensation to be paid to each of its employes and duration thereof, and whenever any such board or department expends or is about to expend, money for the purchase of any lands, goods, materials, labor, supplies or anything of value, and enters into a written contract therefor, such board or department shall immediately furnish such city comptroller with a certified duplicate copy thereof; and no contract shall be valid unless countersigned by said city comptroller. ('09 c. 374 § 2) [1459]

Cited (111-80, 126+408).

**1446. Access to books, papers, etc.**—For the purpose of fully complying with this act, the city comptroller or any person such city comptroller may designate, shall have full and complete access to all books, papers, documents, statements or accounts on file or of record with any of such boards or departments, at any and all times and any officer, agent, employe or other person in charge of any such board or department, refusing the city comptroller, full and complete access to all such books, papers, documents, statements or accounts shall be guilty of a misdemeanor. ('09 c. 374 § 3) [1460]

Cited (111-80, 126+408).

**1447. Deputy comptroller in cities under home rule charters**—That in all cities of the first class, the comptroller may appoint and at his pleasure may remove a deputy comptroller, who shall perform such duties as the comptroller may prescribe. During the absence of the comptroller from the city, or his inability for any reason to discharge the duties of his office, the deputy comptroller shall act in his place and stead, and shall have the same powers and duties, and the comptroller and the sureties on his bond shall be liable for the acts of the deputy comptroller, the same as if they were done by the comptroller. ('11 c. 112 § 1) [1461]

**1448. Deputy treasurer—Powers and duties**—That in all cities of the first class the treasurer may appoint and at his pleasure may remove a deputy treasurer, who shall perform such duties as the treasurer may prescribe. During the absence of the treasurer from the city, or his inability for any reason, to discharge the duties of his office, the deputy treasurer shall act in his place and stead, and shall have the same powers and duties, and the treasurer and the sureties on his bond shall be liable for the acts of the deputy treasurer, the same as if they were done by the treasurer. ('11 c. 227 § 1) [1462]

**1449. To what cities applicable**—This act shall be applicable to cities of the first class governed by a charter adopted under and pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('11 c. 227 § 2) [1463]

**1450. Powers of purchasing department**—Each and every city of the first class in the state of Minnesota, not having or operating under a home-rule charter adopted pursuant to section 36 of article 4 of the constitution of the state of Minnesota, in addition to all the rights and powers heretofore granted thereto by law, is hereby authorized and empowered and shall at all times hereafter have the power and authority, acting by and through its city council, to establish and maintain a purchasing department as a branch of the city government, which department shall have full charge of the purchase by the city and the several boards of the city of all supplies and materials required for the use of the city and the several departments and boards of the city, including the board of charities and corrections, board of education, board of

park commissioners and library board, of the city, and for making and maintaining public works and improvements of the city, excepting from the provisions of this act the purchase of books, periodicals, pamphlets, works of art and other like supplies for the library board and art museum of the city, and the purchase of supplies for the use of the board of park commissioners of the city at its several refectories and places of amusement, and to appoint a purchasing agent who shall be the head of such purchasing department, and to appoint all necessary assistant purchasing agents and other employees required for the proper management of such purchasing department, and to prescribe the duties of such purchasing agent, assistant purchasing agents and other employees, and by ordinance or otherwise to make all rules and regulations necessary for the conduct and management of such purchasing department. ('11 c. 201 § 1; amended '15 c. 234) [1464]

**1451. Payment of current bills**—The city council or other governing body of any city of the first class not operating under a home-rule charter, notwithstanding any provision of its charter to the contrary, may hereafter provide by ordinance for the payment of all current bills incurred by the city for goods, wares and merchandise, the purchase whereof has been duly authorized for the use of the city or any of its departments, without awaiting the formal vote of said governing body directing payment thereof. The board of park commissioners of any such city may likewise by ordinance provide for the payment of all current bills incurred by it or under its authority for goods, wares, and merchandise without awaiting the formal vote of such board directing payment thereof ('13 c. 469 § 1; amended '15 c. 229) [1465]

**1452. When city has purchasing department**—If a purchasing department has been duly established in and for any such city the ordinance aforesaid may provide for the immediate payment by the city treasurer, out of the appropriate fund, or out of a special fund set aside for the purpose, of all bills approved by the city purchasing agent. And all officers of said city who are authorized by law to sign or countersign warrants or orders for the payment of merchandise accounts may accept the approval of the purchasing agent as a sufficient audit of such bills. ('13 c. 469 § 2) [1466]

**1453. Excessive payments, etc.**—Should any bill so paid prove to be erroneous or excessive upon examination made within ninety days after payment, the payee thereof shall repay to the city on demand of the city attorney all such excess, or be subject to an action at law for double the amount thereof. ('13 c. 469 § 3) [1467]

**1454. Ordinances**—Said ordinance or ordinances may contain such further provisions as the governing body shall deem necessary for protecting the city against fraud, irregularity and mistake in the matter of such purchase and may provide that any violation thereof shall be a misdemeanor and punishable as such. ('13 c. 469 § 4) [1468]

**1455. Civil service commission**—In every city of the first class not organized under section 36, article 4, of the State Constitution, there shall be a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the state and residents of the city, and for this service each commissioner shall receive one thousand (\$1,000) dollars per annum as compensation, payable in equal monthly installments. No commissioner shall at the time of his appointment or while serving hold any other office or employment under the city, the United States, the State of Minnesota, or any public corpora-

tion or political division thereof, other than the office of notary public. The mayor shall with the consent and approval of the council or governing body of any such city expressed by a majority vote thereof appoint, as commissioners persons known to favor the principle of merit and efficiency in the public service. The terms of those first appointed, to be designated in orders of appointment, shall expire, one on the first day of February in the odd numbered year next following the year of the appointment, one on the first day of February next following the first, and one on the first day of February next following the second, and thereafter the appointment shall be for three years to fill expired terms, and in case of vacancy occurring otherwise, the appointment shall be for the unexpired term. In case of cities existing at the time of the passage of this act, the first appointment shall be made on or before the first day of July, 1913.

Each commissioner, before entering upon his duties, shall subscribe and file with the city clerk an oath for the faithful discharge of his duties. Thirty days prior to the appointment of a commissioner the mayor shall file with the city clerk, the name of the person whom he proposes to so appoint. The commissioners shall continue in office until their successors are appointed and have duly qualified. ('13 c. 105 § 1; amended '17 c. 63 § 1) [1469]

138-183, 164-806; 149-325, 183-523.

**1456. Civil service fund authorized**—The city council shall set apart on the first Monday in January of each year, in the city treasury, a sum not less than twenty-five (25) dollars for each thousand of the population of the city, according to the next preceding state or national census, to be known as the civil service fund and to be used only for the purposes of this act. Unexpended balances at the end of the year shall revert to the current expense fund of the city. To provide such fund, the city council shall levy a sufficient annual tax upon all the taxable property of the city, real and personal, in addition to all other taxes authorized by law. Warrants on the fund shall be drawn by order of the commission and signed by its president or vice-president and secretary and countersigned by the city comptroller. The commission shall audit its own bills and pay-rolls. The city council of any existing city shall provide like funds for the year 1917 by temporary interest bearing loans, if necessary, and add the amount thereof to the next annual tax levy. ('13 c. 105 § 2; amended '17 c. 63 § 2) [1470]

**1457. Meetings**—The commission shall first meet immediately after its appointment, at the time to be fixed by the mayor, and on the first Monday after the first day of July each year thereafter, and at each said meeting elect a president and vice-president to serve until their successors are elected. The commission at said meeting, or as soon thereafter as practicable, shall select a secretary, who shall keep the records and files of the commission and who shall be ex officio the chief examiner, and appoint other necessary employes, and fix their compensation. The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure. All employes of the commission shall be in the classified service. ('13 c. 105 § 3; amended '17 c. 63 § 3) [1471]

**1458. Powers of commission**—The powers of the commission shall extend only to the classified service, which shall embrace the entire service of the city except the following officers and employes, which shall be known as the "unclassified service," namely:

Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer; the chief health officer; the su-

perintendent of police; the city assessor; superintendents, principals, supervisors of teachers and teachers in the public schools, the city attorney, the attorney of the park board; the librarian and assistants of the public library; the superintendent of parks; a landscape architect, a chief of park police, and the mayor's private secretary. None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this act. ('13 c. 105 § 4; amended '17 c. 63 § 4) [1472]

**1459. "Employee" designated**—The term "employee," as used in this act, shall include every officer, agent, employe and other person in the classified service of the city. ('13 c. 105 § 5; amended '17 c. 63 § 5) [1473]

**1460. Listing, grading and classifying of employes**—Immediately after the appointment and organization of the commission, all employes of the city of every nature excepting those in the unclassified service, shall be listed, graded and classified, and a service register prepared for the purpose, in which shall be entered, in their classes, the names, ages, compensation, period of past employment, and such other facts and data as to each employe as the commission may deem useful. To enable the commission to make such service register, the mayor, city council, each board and commission and each appointing or employing officer shall prepare and furnish to the commission complete lists of all employes in the classified service, containing the names and data aforesaid and such other information as the commission may call for. ('13 c. 105 § 6; amended '17 c. 63 § 6) [1474]

**1461. Rules—Particular employes**—The commission shall, immediately after its appointment and from time to time thereafter, make, amend, alter and change rules, to promote efficiency in the city service and to carry out the purposes of this chapter. The rules shall provide, among other things, for:

a. The classification of all offices, positions and employments in the classified service.

b. Public competitive examinations to test the relative fitness of applicants.

c. Public advertisement of all examinations at least ten days in advance in two newspapers of the city of general circulation, one of which shall be the official newspaper, and posting such advertisement a like time in a conspicuous place in the city hall.

d. The creation of lists of eligible candidates after successful examination, in the order of their standing in the examination, and without reference to time of examination. Such lists shall be embraced in an eligible register. The commission may by rule provide for striking any name from the eligible register after it has been two years thereon.

e. The rejection of candidates or eligibles who, after the entry of their names, shall fail to comply with the reasonable rules and requirements of the commission in respect to age, residence, physical condition or otherwise, or who have been guilty of criminal, infamous or disgraceful conduct, or of any wilful misrepresentation, deception or fraud in connection with the examination or in connection with their applicants for place.

f. The certification of the name standing highest on the appropriate list to fill any vacancy.

g. Temporary employment without examination, but with the consent in each case of the commission, in cases of emergency and pending appointment from the eligible list; but no such temporary employment shall continue longer than sixty days, nor shall successive temporary employments be permitted for the same position.

h. Transfer from one position to a similar position in the same class or grade and for reinstatement of persons who, without fault or delinquency, are separated from the service or reduced.

i. Promotion based on competitive examination and upon records of efficiency, character, conduct and seniority. Promotion shall be deemed, among other things, to include increase in salary, and the rules shall be framed to encourage the filling of vacancies by promotion rather than otherwise.

j. Suspension, with or without pay, for not longer than ninety days, and for leave of absence, with or without pay.

k. Appointment of unskilled laborers in the order of priority of application without examination except such tests of physical fitness as the commission may prescribe. Such certification shall be so far as practicable, for each ward of said city. Selection of street commissioners for each ward shall be made from the residents thereof only.

l. Removing names from the service register upon termination of service. The commission shall adopt such other rules not inconsistent with the provisions of this act, as may from time to time be found necessary to secure the purposes of this act. ('13 c. 105 § 7; amended '17 c. 63 § 7) [1475]

1462. **Notice of change of rules**—Before the adoption, amendment or repeal of any rule, the commission shall give notice of consideration thereof by publishing and posting a brief notice, as required in section 7, stating the subject of the rule or rules to be acted on. ('13 c. 105 § 8; amended '17 c. 63 § 8) [1476]

1463. **Second register to be kept**—The commission shall keep a second register, to be known as an application register, in which shall be entered the names and addresses and order and date of application of all applicants for examination, and the offices or employments they seek. All applications shall be upon forms prescribed by the commission. ('13 c. 105 § 9; amended '17 c. 63 § 9) [1477]

1464. **Mayor to be notified of service register and rules**—As soon as the commission has organized and made up the service register and adopted rules, as herein provided, it shall notify the mayor, the city council, the several boards and commissions, and each appointing officer of the city, and thereafter no office, position or employment shall be filled in the classified service except from names certified by the commission and in accordance with the provisions of this act. ('13 c. 105 § 10; amended '17 c. 63 § 10) [1478]

1465. **Removal of officers or employees**—No officer or employee after six months' continuous employment shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before said civil service commission or by or before some officer or board appointed by said commission to conduct such investigation. The finding and decision of such commission or investigating officer or board, when approved by said commission, shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this act shall limit the power of any officer to suspend a subordinate for a reasonable period, not exceeding ninety days for purposes of discipline. In the course of an investigation of charges, each member of the commission and of any board so appointed by it or any officer so appointed shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation. ('13 c. 105 § 11; amended '17 c. 63 § 11) [1479]

133—182, 164+806; 149—322, 183+521.

1466. **Duties of each office to be ascertained**—The commission shall ascertain the duties of each office, position and employment in the classified service, and designate by rule as well as may be practicable, the grade of each office, employment or position. Each grade shall comprise those offices, employments and positions having substantially similar duties. The commission shall by rule indicate the lines of promotion from each lower to higher grade wherever the experience derived in the lower tends to qualify for the higher. The commission shall prescribe standards of efficiency for each office, position and employment and for each grade, and adapt its examinations thereto. The commission shall make and keep a record of relative efficiency of each employe in the classified service other than unskilled laborers, and shall provide by rule methods for ascertaining and verifying the fact from which such records of relative efficiency shall be made. ('13 c. 105 § 12; amended '17 c. 63 § 12) [1480]

1467. **Examinations**—All examinations shall be impartial, fair and practical and designed only to test the relative qualifications and fitness of applicants to discharge the duties of the particular employment which they seek to fill. No question in any examination shall relate to the political or religious convictions or affiliations of the applicant. All applicants for positions of trust shall be specially examined as to moral character, sobriety and integrity, and all applicants for positions requiring special experience, skill or faithfulness shall be specially examined in respect to those qualities. Where written answers are required from applicants for positions calling for expert knowledge, the rules may provide for examination of the answers and the comparative ranking of the various applicants, without a disclosure of the names of the applicants to the examiners. The commission may furnish to the chief examiner such assistance as may be necessary. It shall be the duty of every employe of the city to act as an examiner or assistant examiner, at the request of the commission, without special compensation therefor. The members of the commission, collectively or individually, may act as examiners or assistant examiners. ('13 c. 105 § 13; amended '17 c. 63 § 13) [1481]

1468. **Notice of examination**—Notice of the time, place and scope of each examination shall be given by publication and posting, as specified in section 7, and by mailing to each applicant upon the appropriate list of the application register ten days in advance. The names of those found eligible, after giving credit for character and previous successful experience, shall be entered, with their addresses and percentages, in appropriate lists of the eligible register. No name shall remain upon the eligible register more than two years without a new application, and, if the rules of the commission so require, a new examination. ('13 c. 105 § 14; amended '17 c. 63 § 14) [1482]

1469. **Vacancies**—When a vacancy is to be filled in the classified service, the mayor, city council, board, commission or employing officer, shall notify the commission, and the commission shall certify the highest name from the appropriate list of the eligible register, except in the case of unskilled labor, and then shall certify the name first in time on the list. All vacancies shall be filled from the names so certified, and the commission shall be immediately notified of the employment and of the compensation to be paid. The names selected shall be stricken from the eligible register and transferred to the service register. All changes in grade, title or compensation shall be likewise reported. ('13 c. 105 § 15; amended '17 c. 63 § 15) [1483]

1470. **Positions without examination**—In case of a vacancy in a position requiring peculiar and excep-

tional qualifications of a scientific, professional or expert character, the commission, upon satisfactory evidence that competition is impracticable, and that the position can best be filled by the selection of some person of recognized attainments, without examination, and after hearing in an open, regular meeting of the commission and by the affirmative vote of all three members, may suspend competition; but no such suspension shall be general in its application to such position, and all such cases of suspension shall be reported, together with the reasons therefor, in the annual reports of the commission. ('13 c. 105 § 16; amended '17 c. 63 § 16) [1484]

**1471. Restrictions on city comptroller**—After the receipt by the city comptroller of the pay roll, he shall not approve the payment of any salary, wages or compensation for any office or employment in the classified service, nor countersign any warrant therefor, unless the name of the person claiming the same appears upon the service register for the time for which such salary, wages or compensation is claimed, nor at any higher rate than shown on such register; and if the city comptroller shall wilfully or negligently approve any payment or countersign any warrant in violation of this section, he and the sureties on his bond shall be liable to the city for the amount thereof and action may be brought therefor by any taxpayer for the use of the city without making previous request to the city to sue. ('13 c. 105 § 17; amended '17 c. 63 § 17) [1485]

**1472. Annual Reports**—The commission shall in each year, on or before the 30th day of January, make to the mayor and city council a report, showing as fully as may be the acts and disbursements of the commission for the preceding calendar year; the rules in force at the beginning of such year and changes made during the year; the practical effect and working of the rules and of this act; the results of the efforts to standardize services and compensation and the departments therefrom, together with such recommendations as the commission may see fit to make, to promote the efficiency and integrity of the public service. The commission shall furnish a suitable number of copies of such report to the mayor, the city council and each board and commission and each employing officer of the city. ('13 c. 105 § 18; amended '17 c. 63 § 18) [1486]

**1473. Charges against employees—Trial**—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the action of all examiners; the duties of all departments and of all employes of the city; the efficiency of the service, and such other matters as come within the scope of this act. In the course of such investigations each commissioner shall have power to issue subpoenas and to administer oaths and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall wilfully testify falsely shall be guilty of perjury and any person who shall refuse to obey the lawful subpoenas or directions of the commission or any commissioner in any such investigation shall be guilty of a misdemeanor. Any member of the commission shall have power of his own motion to file written charges against any employe in the classified service, and thereupon the commission shall try the charges, after not less than ten days' written notice to the person accused, in the manner and with the powers prescribed in this section; but in such case the complaining commissioner shall not sit. If found guilty of breach of duty, such employe may be removed by the commission and his name be stricken from the

service register. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe notice to the person accused and require him to obey the commission's subpoena and order, if found within the lawful powers of the commission, and punish disobedience as a contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employe of the city who receives compensation for his services, shall not be entitled to fees or mileage. ('13 c. 105 § 19; amended '17 c. 63 § 19) [1487]

**1474. Effect of false statements**—Any applicant for an office or employment in the classified service, who shall knowingly make any false answer or statement upon any examination in regard to any material matter upon which he is examined, shall thereby forfeit his right to be entered upon the eligible register, and, in case he has been appointed to any office or employment, shall forfeit the same and shall not within three years thereafter be eligible to any office or employment in the unclassified service of the city, nor shall he during such time be entitled to any of the examinations of the commission. ('13 c. 105 § 20; amended '17 c. 63 § 20) [1488]

**1475. Consideration for position—Penalty**—Any applicant for examination or for appointment to the classified service, who shall, either directly or indirectly, give, render or pay or promote to give, render or pay any money, service or other thing to any person for or on account of or in connection with his examination, appointment or proposed appointment, or who shall ask for or receive any recommendation or assistance from any person in the classified or unclassified service of the city, except a statement of his previous service and the character thereof, if any, to the city, as a subordinate under such officer or employe shall be guilty of a misdemeanor. ('13 c. 105 § 21; amended '17 c. 63 § 21) [1489]

**1476. Assessments prohibited**—Any officer or employe in the classified service of the city, who shall in any manner directly or indirectly solicit or receive or pay or be in any manner concerned in soliciting, receiving or paying any assessment, subscription or contribution for any party or political purpose, shall be guilty of a misdemeanor. ('13 c. 105 § 22; amended '17 c. 63 § 22) [1490]

**1477. Political contributions forbidden**—Any person who shall solicit or receive, directly or indirectly, or be in any manner concerned in soliciting or receiving any assessment, contribution or payment for any political purpose whatever, from any officer or employe in the classified service of the city, shall be guilty of a misdemeanor. Provided that sections 22 and 23 hereof shall not apply to the solicitation, payment or receipt of regular and fixed dues by or from a member of an established organization, but the solicitation, payment or receipt of additional dues or assessments during a political campaign shall be construed to be a violation of this act. ('13 c. 105 § 23; amended '17 c. 63 § 23) [1491]

**1478. Preferment, etc., for political purpose forbidden**—Any officer or employe in the classified or unclassified service of the city who shall discharge, promote or reduce in rank or in any manner change the official rank or compensation of any other officer or employe, or promise or threaten so to do, for giving or withholding or neglecting to make any service or contribution of money or other valuable thing for any party or political purpose, shall be guilty of a misdemeanor. ('13 c. 105 § 24; amended '17 c. 63 § 24) [1492]



1479. **Contracts for lighting streets**—That in all cities of the first class, the common council may award, enter into and let contracts for lighting the city streets, parks and other public places, or either, or any of the same for any term not exceeding two years under any one contract. It shall not be necessary before awarding or entering into such contracts that provision by budget appropriations or otherwise, shall first have been made to meet the indebtedness incurred by such contracts; but provision for meeting such obligation or indebtedness may be made after the letting of such contracts. ('11 c. 179 § 1) [1493]

1480. **To what cities applicable**—This act shall be applicable to cities of the first class, governed by a charter adopted under, and pursuant to article 4, section 36, of the constitution of this state. ('11 c. 179 § 2) [1494]

25 1481 — 376  
1481. **Rules as to water rentals**—That in all cities of this state now or hereafter having a population of over fifty thousand inhabitants, and owning a municipal waterworks system, the board of water commissioners of such city, or other body or authority having the control and management of such waterworks system, may adopt and enforce such rules and regulations as to the time when water rentals shall become due and payable as such body or authority may deem advisable. ('13 c. 37 § 1) [1495]

1482. **To what cities applicable**—This act shall apply to cities existing under a charter framed pursuant to section 36 of article 4, of the constitution. ('13 c. 37 § 3) [1496]

1483. **Disposal of electrical energy to private consumers**—Any city of the first class now or hereafter operating a plant for the production and distribution of electrical energy for municipal purposes may dispose of any surplus thereof so produced, to private consumers within the city desiring the same, at such rates and upon such terms as the city council or other governing body of the city may deem proper. ('13 c. 127 § 1) [1497]

122-348. 142+319.

1484. **"Public utilities" defined**—For the purposes of this act, public utilities shall include street railways, telephones, water works, gas works, electric light, heat or power works, public docks, union depots and terminal systems, ice plants, stone quarries, creosoting works, and public markets. ('13 c. 310 § 1) [1498]

189+429.

1485. **Acquisition and operation**—Every city of this state shall have the power to own, construct, acquire, purchase, maintain and operate any public utility within its corporate limits, and to lease the same, or any part of the same, to any company incorporated under the laws of this state, for the purpose of operating such public utility for any period not longer than twenty years, on such terms and conditions as the city council shall deem for the best interests of the public.

Any city now owning and operating its own water works, or other public utilities, may continue to own and operate the same in the same manner as if now authorized by law to own and operate the same, without submitting any proposition so to do to the electors thereof, and it may by a three-fifths vote of the city council, or other governing body, and without submission to the electors thereof, as herein provided, issue bonds and certificates of indebtedness in the manner and proportions herein provided for the purpose of refunding all bonds issued for the construction and creation of such utility, and the remainder of the proceeds thereof, if any, shall be covered into the treasury of said city as a sinking fund for the redemption of any existing bonds, or for the purchase and acquisition of any new bonds of said city offered by said city.

It shall be lawful for any city to incorporate in any grant of the right to construct or operate any public utility, a reservation of the right on the part of such city to take over all or part of such public utility, at or before the expiration of such grant upon such terms and conditions as may be provided in the grant; it shall also be lawful to provide in any such grant, that in case such reserved right be not exercised by the city and it shall grant a right to another company to operate such public utility in the streets and parts of streets occupied by its grantee under the former grant, the new grantee shall purchase and take over such public utility of the former grantee, upon the terms that the city might have taken it over, and it shall be lawful for the city council of any city to make the grant containing such a reservation for either the construction or operation or both, the construction and operation of such public utility, in, upon, and along any of the public streets, alleys or ways therein, or portions thereof, in which such public utility is already located at the time of making such grant, without the petition or consent of any of the owners of the land abutting or fronting upon any street, public alley or way, or portion thereof, covered by such grant.

No ordinance authorizing the lease of any public utility for any period, nor any ordinance renewing any lease, shall go into effect until the expiration of sixty days from and after its passage. And if, within said sixty days, there is filed with the clerk of such city a petition signed by ten per cent of the voters voting at the last preceding election for mayor, in such city, asking that such ordinance be submitted to a popular vote, then such ordinance shall not go into effect unless the question of the adoption of such ordinance shall first be submitted to the electors of such city and are approved by a majority of those voting thereon.

The signatures of such petition need not all be appended to one paper, but each signer shall add to his signature, which shall be in his own handwriting, his place of residence, giving the street number. One of the signers of each such paper shall make oath before an officer, competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed. The city council of any city which shall decide by vote of its electors, as herein provided, to acquire or construct any public utility, shall have the power unless otherwise provided by law to make all needful rules and regulations respecting the operation of the same, including the power to fix and prescribe rates and charges. For the purpose of acquiring any such public utility either by purchase or construction, as provided for in this act, or for the equipment of any such public utility, and in addition to the certificates of indebtedness provided for in section 3 [1500] hereof, any city may borrow money and issue its negotiable bonds to an amount not exceeding one-fifth the cost thereof, pledging the faith and credit of the city therefor; but no such bonds shall be issued until the question of the issuance of certificates of indebtedness shall have been approved by a majority of the electors voting thereon as provided for in section 3 [1500] hereof, and then only upon a three-fifths vote of the city council or other governing body. In the exercise of the powers, or any of them, granted by this act, any such city shall have power to acquire, take and hold any and all franchise or franchises, and necessary property, real, personal or mixed, for the purposes specified in this act, either by purchase or condemnation in the manner provided by law for the taking and condemning of private property for public use, but in no valuation of public utility property for the purpose of any such acquisition, except of such public utilities now operating under

such existing franchises shall any sum be included as the value of any earning power of such utility, or of the unexpired portion of any franchise granted by said city.

In case of the leasing by any city of any public utility owned by it, the rental reserved shall be based on both the actual value of the tangible property and of the franchise contained in such lease, and such rental shall not be less than a sufficient sum to meet the annual interest upon all outstanding bonds or certificates issued by said city on account of any such public utility. ('13 c. 310 § 2) [1499]

**1486. Limit of bonds and certificates**—In addition to the bonds pledging the faith and credit of the city, as provided for in section 2 of this act, any city may issue and dispose of interest-bearing certificates, which shall be a lien or charge against the public utility property for the acquisition or construction of which they were issued and shall be payable out of the specified portion of the revenues or income to be derived therefrom, but which shall under no circumstances be or become an obligation or liability of said city or payable out of the general funds thereof, nor shall such certificates be deemed a part of the indebtedness of said city for any purpose. Such certificates, together with the bonds hereinbefore provided for, shall not be issued on any such public utility property in an amount in excess of the cost to the city of such property as hereinbefore provided, and ten per centum of such cost in addition thereto. In order to secure the payment of such public utility certificates, and the interest thereon, the city may convey by way of mortgage, or deed of trust, any or all of the property thus acquired or to be acquired, through the issue thereof; which mortgage or deed of trust shall be executed in such a manner as directed by the city council and acknowledged and recorded in the manner provided by law for the acknowledgment and recording of mortgages of real estate, and may contain such conditions and provisions not in conflict with the provisions of this act, as may be deemed necessary to fully secure the payment of the certificates described therein. Any such mortgage or deed of trust may carry the grant of a privilege or right to maintain and operate the property covered thereby, for a period not exceeding twenty (20) years from and after the date such property may come in the possession of any person or corporation as a result of foreclosure proceedings; which privilege or right may fix the rates which the person or corporation securing the same as a result of the foreclosure proceedings shall be entitled to charge in the operation of said property, for a period not exceeding twenty years. Whenever, and as often as default shall be made in the payment of such certificate issued or secured by mortgage or deed of trust, as aforesaid, or in the payment of the interest thereon when due, and any such default shall have continued for the space of twelve months after notice thereof has been given to the mayor and financial officer of the city issuing such certificates, it shall be lawful for any such mortgagee or trustee, upon the request of the holder or holders of a majority in amount of the certificates issued and outstanding under such mortgage or deed of trust, to declare the whole of the principal of all such certificates as may be outstanding, to be at once due and payable, and to proceed to foreclose such mortgage or deed of trust in any court of competent jurisdiction. At a foreclosure sale, the mortgagee or the holders of such certificates may become the purchaser or purchasers and the rights and privileges sold, if he or they be the highest bidders. Any public utility acquired under any such foreclosure shall be subject to regulation by the corporate

authorities of the city to the same extent as if the right to construct, maintain and operate such property had been acquired through a direct grant without the intervention of foreclosure proceedings; provided, however, that no such public utility certificates or mortgage shall ever be issued by any city under the provisions of this act, unless and until the question of the adoption of the ordinance of the city council making provision of the issue thereof shall have first been submitted to a popular vote and approved by a majority of the qualified voters of the city voting upon such question. ('13 c. 310 § 3) [1500]

**1487. Books—Report**—Every such city owning and operating any such public utility shall keep the books of account for such public utility distinct from other city accounts, and in such manner as to show the true and complete financial results of such city ownership, or ownership and operation as the case may be. Such accounts shall be so kept as to show the actual cost to such city of such public utilities owned; all cost of maintenance, depreciation, extension and improvement; all operating expenses of every description, in case of such city operation; the amount set aside for sinking fund purposes. The city council shall cause to be printed annually, for public distribution, a report showing the financial results of such city ownership, or ownership and operation. ('13 c. 310 § 4) [1501]

**1488. Submission to voters**—No city shall acquire or construct any public utility under the terms of this act unless the proposition to acquire or construct same has first been submitted to the qualified electors of said city at a general city election or at a special election called for that purpose, and been approved by a majority vote of all electors voting upon such proposition.

The question of issuing public utility certificates as provided in section 3 hereof may at the option of the city council be submitted at the same election as the question of the acquisition or construction of such public utility. ('13 c. 310 § 5) [1502]

**1489. Submission—Election**—In all cases provided in this act for the submission of questions or propositions to popular vote the city council shall pass an ordinance stating the substance of the propositions or question to be voted upon and designating the election at which such question or proposition is to be submitted, which may be at any general or city election or special election called for that purpose; provided, that such election shall not be held sooner than thirty days from and after the passage of said ordinance.

Notice of special election which shall be held in any city under this act and all proceedings respecting the same shall conform as nearly as may be to the law governing other special elections therein.

And all ballots as to any proposition or question submitted pursuant to the terms of this act shall be delivered to the election judges, shall be deposited in a separate box and shall be counted, canvassed and returned, as is provided by law in case of other ballots, and the tally sheets and return blanks shall contain suitable columns and spaces therefor.

No defect or omission in the calling, giving notice or holding of any election under this act shall in any manner affect the validity of such election unless it shall affirmatively appear that such defect or omission changed the result of such election. ('13 c. 310 § 6) [1503]

**1490. Term of grant or lease**—Nothing in this act contained shall be construed to authorize any city to make any grants or to lease any public utility for a period exceeding twenty (20) years from the making of such grant or lease; provided, that when a right to

maintain and operate a public utility for a period not exceeding twenty (20) years is contained in a mortgage or deed of trust to secure any of the certificates hereinbefore mentioned, (and no such right shall be implied), such period shall commence as provided in section 3 of this act. ('13 c. 310 § 7) [1504]

**1491. Union depot and terminal system—Bonds—**Whenever any city shall decide by a vote of the electors thereof in the manner herein provided, to acquire a union depot and terminal system, it may, upon a three-fifths vote of the city council or other governing body, issue such bonds as are provided for herein at such rate and for such period as the council may prescribe notwithstanding any provision in the charter of said city limiting the amount of the bonded indebtedness thereof; providing that such issue of bonds shall never be for an amount which together with all other net bonded indebtedness shall exceed ten per cent of the assessed valuation of said city as of the time of such issue. ('13 c. 310 § 8) [1505]

**1492. Condemnation of land for public buildings—**That hereafter any city in this state now or hereafter having a population of over fifty thousand inhabitants shall have the right, power and authority to condemn lands under the right of eminent domain for sites and grounds for public school buildings, and for all other municipal or public buildings for such cities, or for any of the departments of its government, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41 of the Revised Laws of Minnesota for the year 1905 and acts amendatory thereof; provided, however, that any such city shall have the right, upon the filing of the award of the commissioners provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings, such city shall not be required to give or file any appeal bond therein. ('07 c. 291 § 1) [1506]

Provision binding city absolutely to pay all damages when no bond is given not applicable where city charter contains provision that it may abandon condemnation proceedings at any time. (135-243, 160+775)

**1493. Acquisition of lands for hospital—**That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in which there is a city and county public hospital, may acquire such additional lands as may be necessary therefor either by purchase or by condemnation thereof in the same manner as lands are condemned for the opening and widening of streets, and may pay the cost thereof either by public taxation or by issuing and selling the bonds of such city therefor; anything in the charter of said city or in any law of this state which may prohibit the issue of any bonds in excess of any specified percentage of taxable property in such city to the contrary notwithstanding; provided, however, that the aggregate amount of bonds issued for such purpose shall not be in excess of the sum of twenty-five thousand dollars, par value, and shall not bear a greater rate of interest than four per cent per annum. ('05 c. 139 § 1) [1507]

**1494. Contagious hospitals—Bonds—**The governing body of any city of this state now or hereafter having a population of more than fifty thousand inhabitants is hereby authorized and empowered, for the purposes

herein designated, to issue, from time to time as needed, the negotiable bonds of their respective cities to an amount in the aggregate not exceeding two hundred fifty thousand dollars; said bonds to be made in such denomination and payable at such places and at such times, not exceeding thirty years from the date thereof as may be deemed best, and to bear interest at a rate not to exceed six per cent per annum, payable semi-annually, with interest coupons attached, payable at such place or places as shall be designated therein, and such governing body is further authorized to negotiate and sell such bonds from time to time to the highest bidder or bidders therefor and upon the best terms that can be obtained for said bonds.

Provided that no such bonds shall be sold for a less amount than the par value thereof and accrued interest thereon.

Provided that this act shall not supersede the provisions of the charter of any city providing for the referendum of ordinances passed by the governing body to a vote of the electors of the city, nor with the provisions of the charter of any city making the action of the common council subject to approval of a Board of Estimate and Taxation, nor with the provisions of any such charter prescribing a particular method of authorization of such bonds. ('23 c. 223 § 1)

See 189+429.

**1495.—Tax levy—Sinking fund—**The full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act, and for the payment of the current interest thereon, and said governing body of such city shall each year include in the tax levy a sufficient amount for the payment of such interest as it accrues, and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. ('23 c. 223 § 2)

**1496. Form of bonds—**All bonds issued under authority of this act shall be sealed with the seal of the city issuing the same and signed by the mayor and attested by the city clerk and countersigned by the city comptroller or city auditor of such city, except that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. The sale of such bonds shall be made in such manner and in such proportions of the whole amount authorized by this act and at such times as may be determined by the said governing body of such city. ('23 c. 223 § 3)

**1497. Use of proceeds—**The proceeds of any and all bonds issued and sold under authority of this act shall be used only for the purpose of acquiring a site, constructing and equipping a contagious hospital, and the proceeds of said bonds or any thereof shall not be used for any other purpose than those hereinbefore specified. ('23 c. 223 § 4)

**1498. Limitations—**Nothing herein contained shall be construed to repeal or modify the provisions of any charter adopted pursuant to Section 36, Article 4 of the Constitution of this state requiring the question of the issuance of bonds to be submitted to a vote of the electors. ('23 c. 223 § 5)

**1499.—Application—**This Act shall apply to cities operating under Home Rule charters adopted pursuant to Section 36, of Article 4, of the State Constitution, and the powers granted in this Act are in addition to all existing powers of such cities. ('23 c. 223 § 6)

**1500. Condemnation of land covered by water for slips—**Each city in this state having at any time a population of over 50,000, according to the census then last taken, is hereby empowered to acquire by proceedings in condemnation, under the right of eminent domain, any land or lands covered with water or an easement therein, connecting with or adjacent to public navigable waters, other than rivers, within or adjacent

to such city, wheresoever situated within the limits of such city, which shall be declared by the city council by resolution necessary to be taken, damaged, injured or destroyed for the purpose of laying out, opening, making, deepening, widening or otherwise improving a slip or other waterway into or connecting with such public navigable waters. ('05 c. 213 § 1) [1508]

**1501. To be held for public water highway**—Whenever any land or lands covered with water, or an easement therein shall be acquired by any city, pursuant to the provisions of this act, such land shall thereafter be held as and for a public water highway for travel by and the accommodations and passage of boats, steamships, vessels and water craft of all kinds. ('05 c. 213 § 2) [1509]

**1502. Proceedings**—The land or lands covered with water or an easement therein specified in section one of this act may be acquired by proceedings to be conducted by the city council in the manner provided by chapter 194, General Laws of Minnesota for the year 1903, enabling municipalities to establish and acquire a building line easement along streets, highways, parks and parkways, and the city council in any such city shall, under this act, exercise all the powers and perform all the duties imposed in said chapter 194, General Laws of Minnesota for the year 1903, on the "governing body" mentioned in said chapter. ('05 c. 213 § 3) [1510]

**1503. Land or easement to vest in city**—Upon the conclusion of the proceedings and the payment of the awards the several tracts of land shall be deemed to be taken and appropriated for the purposes of this act, and such land or the easement therein for the purposes aforesaid shall vest absolutely in the city in which the lands are situate. ('05 c. 213 § 4) [1511]

**1504. Condemnation of land for harbors, wharves, etc.**—That hereafter any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the right, power and authority to condemn lands under the right of eminent domain, for harbors, wharves, boat-landings and such canals and approaches thereto as may be required, and shall have the right, power and authority to levy taxes for the purpose of raising moneys required for the payment of damages and other expenses arising in or out of such condemnation proceedings; such power and authority to condemn land shall be exercised under and pursuant to the terms and provisions of chapter 41, of the Revised Laws of 1905, and acts amendatory thereof. Provided, however, that any such city shall have the right, upon the filing the award of the commissioners, provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the land so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, either by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of the commissioners appointed pursuant to such condemnation proceedings, such city shall not be required to give or file any appeal bond therein. This act shall apply to cities now having a home rule charter adopted under and pursuant to section 36 of article 4 of the constitution of the state of Minnesota. ('09 c. 327 § 1) [1512]

**1505. Levees on navigable stream when channel changed**—Any city in this state now or hereafter having a population of over fifty thousand inhabitants and any such city now or hereafter governed by a charter

adopted pursuant to section 36, article 4 of the constitution of this state, shall have the power to acquire and hold in fee simple, by purchase or condemnation, levees not exceeding two hundred feet in width on either side of any navigable stream within the limits of such city when the channel thereof is altered or changed by or under the authority of the United States government, and may set aside such portions of said levees when acquired as the public needs may require for use for public travel and may devote the remainder thereof to such uses as the common council of such city shall deem for the best interests of the city, or as required by the United States government. ('11 c. 114 § 1) [1513]

**1506. Issuance of bonds**—That any such city may by ordinance adopted by a two-thirds vote of all members elect of its common council, issue and sell the bonds of such city of the par value of not exceeding five hundred thousand dollars, (\$500,000.00) to aid in defraying the expense of acquiring and improving the levees mentioned in section one of this act. ('11 c. 114 § 2) [1514]

**1507. Limit of debt—Tax levy**—The bonds authorized by this act or any portion thereof may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of such city, and the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act and for the payment of the current interest thereon, and the common council of such city shall each year include in the tax levy a sufficient amount to provide for the payment of such interest as it accrues and for the accumulation of a sinking fund for the redemption of such bonds at their maturity. ('11 c. 114 § 3) [1515]

123-435, 143+1124.

**1508. Term of bonds—Sale**—No such bonds shall be issued by any such city for the purposes hereinbefore mentioned, to run for a longer term than thirty years or bearing a higher rate of interest than four per cent. per annum, payable semi-annually, but the place of payment of the principal and interest thereof and the denominations in which the same are issued shall be such as may be determined by the common council and may be in the form of coupon bonds or registered certificates, so-called. All of said bonds shall be signed by the mayor, be attested by the city clerk and countersigned by the city comptroller of the city issuing the same, and shall be sealed with the seal of such city; but the signatures to the coupons attached to such bonds, if any, may be lithographed thereon. None of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('11 c. 114 § 4) [1516]

**1509. Diversion of unnavigable streams—Raising waters of lakes**—Any city of this state now or hereafter having a population of more than 50,000 according to the last preceding state or national census, may, if in the judgment of its city council, the public health or welfare of its citizens will be promoted thereby, divert any unnavigable stream, flowing wholly or partly within the corporate limits, from its natural bed to an artificial channel or to another water course. The diversion may take place at any feasible or desirable point within or without the corporate limits, and the new channel may be created within or without or partly within and partly without the corporate limits. For the purpose of controlling and regulating the flow of such stream in its new channel, the city may, by the erecting of dams or other suitable means, raise the waters of any lake or lakes from which the stream may flow, or through which the new channel may flow, and

may control and regulate the discharge from such lake or lakes, and may straighten, enlarge and make such changes and improvements in the channels as may be necessary for such purposes. Such new channels may, where necessary, cross any highway or railway; in which case suitable bridges shall be provided. ('05 c. 18 § 1) [1523]

**1510. Ordinance—Survey and map**—The city council shall by ordinance first adopt and file with the city clerk a survey and map showing the point at which it is proposed to divert the stream, the route of the new channel, the sites of dams and other controlling works, the lands proposed to be taken for right of way and for flowage purposes, the levels to which it is proposed to raise and between which it is proposed to maintain the waters of any lake, a profile of the route and of the water surface, the cross-section of the proposed new channel, the enlargement, if any, of any existing channel, the bridges, tunnels, culverts to be built, and in general, the entire extent and scope of the improvement as nearly as may be. ('05 c. 18 § 2) [1524]

**1511. Lands—How acquired**—The city council may acquire in the name of the city by grant, dedication, purchase or devise the lands and the rights necessary to carry out such improvements. ('05 c. 18 § 3) [1525]

**1512. Condemnation — Special assessments** — The power of eminent domain and the power to levy special assessments for benefits are hereby delegated to such cities for the purposes of this act, to acquire the lands and rights needed or any of them, to be exercised as follows: ('05 c. 18 § 4) [1526]

**1513.—Ordinance—Appraisers**—The city council shall by ordinance determine and declare as nearly as may be, the cost of such improvements, exclusive of damages to property, and shall appoint five appraisers, who shall be disinterested free-holders and qualified voters of the county, and none of whom shall be residents of the town or ward or wards of the city in which the property so designated is situated, to view the premises and appraise the damages which may be occasioned by the taking of private property or otherwise in making such improvement, and to assess special benefits resulting therefrom. Said appraisers shall be notified as soon as practicable by the city clerk to attend at a time fixed by him, for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the city council. ('05 c. 18 § 5) [1527]

**1514. Oath**—The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the city council. ('05 c. 18 § 6) [1528]

**1515. Notice of meeting for appraisal, etc.**—The appraisers shall give notice of their meeting by publication in the official newspaper of the city, once a week for six consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall name the stream to be diverted, the point of diversion, the general course of the new channel and the height to which it is proposed to raise or maintain any lake, the location of proposed bridges, culverts or tunnels, the estimated cost of construction, and shall contain a description of the lands designated by the city council to be taken for right of way and for flowage purposes, and give notice that a plan of the improvement has been filed in the office of the city clerk, and that said appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages for property to be taken, or which may be damaged by the diversion of water or otherwise by such improve-

ment, and to assess benefits in the manner<sup>d</sup> hereinafter specified. If any portion of such stream or of the lands to be taken is outside of the county containing such city, then the notice shall also be published for a like time in some newspaper in such outside county. ('05 c. 18 § 7) [1529]

**1516. Mailing notices**—A copy of all subsequent notices relating to the proceeding which are required to be published, shall be mailed by the city clerk immediately after the first publication thereof to such persons as shall have appeared in said proceedings and requested in writing that such notices be mailed to them. ('05 c. 18 § 8) [1530]

**1517. Meeting of appraisers—Damages and benefits**—At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and shall hear any evidence or proof offered by the parties interested and may adjourn from time to time for the purpose aforesaid. When their view and hearing shall be concluded, they shall determine the amount of damages, if any, suffered by each piece or parcel of land affected by the improvement. They shall also determine the amount of special benefits, if any, occurring by reason of diversion of water, drainage, or otherwise, to each piece or parcel of land wherever situate and whether contiguous to the improvement or not. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the total assessment for benefits shall not be greater than the aggregate net award of damages added to the estimated cost of construction; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual special benefits after deducting the damages, if any. ('05 c. 18 § 9) [1531]

**1518. Buildings**—If there be any buildings standing, in whole or in part, upon any parcel of the land to be taken, the said appraisers shall, in such case, determine the amount of damages which should be paid to the owner or owners thereof, in case such building, or so much as may be necessary, should be taken, and shall also appraise and determine the amount of damages to be paid such owner or owners, in case he, or they, shall elect to remove such buildings. ('05 c. 18 § 10) [1532]

**1519. Different owners or interests**—If the land and buildings belong to different persons or if the land be subject to lease, mortgage or judgment, or if there be any estate less than an estate in fee, the injury or damage done to such person, or interests, respectively, may be awarded to them separately by the appraisers. Provided, that neither such award of the appraisers, nor the confirmation thereof by the city council, shall be deemed to require the payment of such damages to the person or persons named in such award, in case it shall transpire that such person or persons are not entitled to receive the same. ('05 c. 18 § 11) [1533]

**1520. Report**—The said appraisers having ascertained and appraised the damages and assessed the benefits as aforesaid, shall make and file with the city clerk, a written report of their action in the premises, embracing a schedule and appraisal of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them, and also a statement of the costs of the proceeding. ('05 c. 18 § 12) [1534]

**1521. Notice of appraisal—Confirmation or annulment**—Upon such report being filed, the city clerk shall give notice that such appraisal has been re-

turned, and that the same will be considered by the city council at a meeting thereof to be named in the notice, which notice shall contain the schedule of damages awarded and benefits assessed, and shall be published in the official newspaper of said city, once a week for two consecutive weeks, and the last publication shall be at least ten days before such meeting. Any person interested in any building standing in whole or in part upon any land required to be taken by such improvement, shall on or before the time specified for said meeting in such notice, notify the city council in writing of his election to remove such building, if he so elect. The city council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisalment and assessment, giving due consideration to any objections interposed by parties interested in the manner hereinafter specified, provided that said city council shall not have the power to reduce the amount of any award, nor increase any assessment. In case the appraisalment and assessment is annulled, the city council may thereupon appoint new appraisers, who shall proceed in like manner as in case of the first appraisalment, and upon the coming in of their report, the city council shall proceed in a like manner and with the same powers as in the case of the first appraisalment. ('05 c. 18 § 13) [1535]

**1522. Award—Appeal**—If not annulled or set aside, such award shall be final, and shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The award shall be paid to the persons entitled thereto, or shall be deposited and set apart in the treasury of the city for the use of the persons entitled thereto, within six months after the confirmation of the appraisalment and award. But in case any appeal or appeals shall be taken from the order confirming said appraisalment and assessment as hereinafter provided, then the time for payment of said awards shall be extended until and including sixty days after the final determination of all appeals taken in the proceedings, and in case of any change in the awards or assessment upon appeal, the city council may, by resolution duly adopted, at any time within sixty days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six per centum per annum from the time of the filing of the original appraisers' report, and all subsequent awards and awards upon appeals shall be made as of the day and date of filing of such original reports. ('05 c. 18 § 14) [1536]

**1523. Title vests, when**—Upon the conclusion of the proceedings and the payment of the awards, the several tracts of land shall be deemed to be taken and appropriated for the purposes of this act, and the title thereto shall vest in the city. In case the city council shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the city council shall, and in any and every case the city council may in its discretion deposit the amount of damages with the district court of the county in which such city is situate, for the use of the parties entitled

thereto, and the court shall, upon the application of any person interested, and upon such notice as the court shall prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons. ('05 c. 18 § 15) [1537]

**1524. Removal of buildings**—In case any owner or owners of buildings, as aforesaid, shall have elected to remove his or their buildings, he or they, shall remove them within thirty days from the confirmation of said report, or within such further time as the city council may allow for the purpose, and shall be entitled to the payment of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after having elected) to remove the same within the time above specified, such buildings, or so much thereof as may be necessary, upon paying or depositing the damages awarded for such taking in manner aforesaid, may be taken and appropriated, sold or disposed of as the said city council shall elect. ('05 c. 18 § 16) [1538]

**1525. Appeal — Objections — Notice — Record** — Any person whose property is proposed to be taken or interfered with or assessed under any provision of this act, or who claims to be damaged by the improvement, and who deems that there is any irregularity in the proceedings of said city council, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of, or interference with his property, or the assessment thereon, may at any time before the time specified for the consideration of the award and assessment by the city council, file with the city clerk in writing, his objections to such confirmation, setting forth therein specifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections the said city council shall confirm the award or assessment, such persons so objecting shall have the right to appeal from such order of confirmation of the city council to the district court of the county in which said city is situate, within twenty days after such order. Such appeal shall be made by serving a written notice of appeal upon the city clerk, which shall specify the property of the appellant affected by such award or improvement, and refer to the objection filed as aforesaid, thereupon said city clerk at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings and of the award of the appraisers as confirmed by the city council, and of the order of the city council confirming the same, and of the objections filed by the appellant as aforesaid, and of the notice of appeal, all certified by said city clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken in the same proceeding, it shall not be necessary that the city clerk in appeals subsequent to the first shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises. ('05 c. 18 § 17) [1539]



**1526. Hearing—Appraisers—Award—Appeal to supreme court**—The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be taken or damaged or assessed, and described in said written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested freeholders, residents of said county, appraisers, to reappraise said damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs purtenant to the question of the amount of damages or benefits, and proceed in all other material respects as are in this act provided for the government of appraisers appointed by said city council. They shall, after the hearing and view of the premises, make a report to the said court of their award of damages and assessments of benefits in respect to the property of such appellant. The appellant shall within five days of notice of filing the award file his written election to remove the buildings if he so elect. Such election shall not affect his right to a review. The award shall be final unless set aside by the court. The motion to set aside shall be made within fifteen days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers, as it shall deem best; said court shall allow to said appraisers a reasonable compensation for their services, and make such awards of costs on such appeal, including the compensation of such appraisers, as it shall deem just in the premises, and enforce the same by execution. In case the court shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in said proceedings. ('05 c. 18 § 18) [1540]

**1527. Time of payment**—In case of any appeal the time for making payment of awards shall be extended as to all tracts embraced in the proceeding to sixty days after final determination of all appeals. ('05 c. 18 § 19) [1541]

**1528. Notice of pendency—Persons affected**—The notice prescribed in section 7 shall be sufficient to charge all persons whose rights or interests may be affected by the diversion of such waters, but whose lands are not otherwise taken, with notice of the pendency of the proceeding, and all such persons may present to the appraisers evidence of the damages which they will suffer, and the appraisers shall determine and award such damages as they may find, particularly specifying in their award the location and the nature of such damages, and all persons failing to present their claims for damages arising from the diversion of waters, shall be concluded by the proceeding hereunder, whether any award of damages is made to them or not, and shall be barred from claiming damages afterwards in any other form of action or proceeding. ('05 c. 18 § 20) [1542]

**1529. Award and assessment, how certified—Assessment, how enforced**—Upon the final determination of all appeals in such proceeding, the city clerk shall

transmit to the auditor of the county or counties in which the respective lands lie a copy by him duly certified of the awards and assessment of the appraisers as confirmed by the city council; and the clerk of the district court shall, in like manner, certify the award and assessment as finally made upon all appeals; and the county auditors shall include such assessments of benefits against each tract of land assessed, with and as a part of the taxes upon such respective tracts of land in the next annual list of taxes for general, state, county and other purposes, and the same proceedings shall be had for the collection and enforcement thereof, as for such general taxes, including like penalties in case of non-payment, and including also proceedings for the collection and enforcement of delinquent taxes. Whenever any of such assessments are collected, they shall be credited to the city conducting such proceedings, and paid over and accounted for in like manner as other taxes. ('05 c. 18 § 21) [1543]

**1530. Duty of city**—It shall be the duty of such city to proceed with all reasonable dispatch to complete such improvements, unless the proceedings are set aside by the city council as hereinbefore provided. ('05 c. 18 § 22) [1544]

**1531. Powers and duties of council—Penalties**—The city council shall have power and it shall be its duty after the construction of such works to maintain the same and to prevent injury or obstruction to the channel or works and contamination of the waters. And for such purposes the city council may enact suitable ordinances and prescribe penalties for their violation, not exceeding a fine of one hundred dollars for each offense, or confinement in the city workhouse not exceeding ninety days. The municipal court of the city shall have jurisdiction of such offenses. ('05 c. 18 § 23) [1545]

**1532. Replacing sidewalks**—Whenever a sidewalk in any city of the first class decays or becomes otherwise unsafe, the council thereof, by a four-fifths vote of its members, and without any petition from property owners therefor, may cause the same to be removed and replaced by a new walk, of the same or different material, and assess the cost thereof upon abutting property as in the case of a walk first laid. (759) [1546]

**1533. Park funds**—The board of park commissioners of any city of the first class may receive and accumulate all moneys arising from the operation and control of parks, and may use the same in the improvement and maintenance of parks. (762) [1547]

**1534. Parks, etc., outside limits**—The board of park commissioners of any city of the first class may acquire by gift, devise, purchase, or condemnation, for parks or parkways, lands lying outside the city limits, and adjacent to lands devoted to parks and parkways within such limits; and such board may so acquire lands for parkways along the shores of a lake or stream lying partly or wholly without such limits, if such lake or stream be near or connected with a lake lying wholly or partly within such limits, on the shores of which a park or parkway has been acquired or projected; Provided, that no tract so acquired by purchase or condemnation shall exceed forty acres. (763) [1548]

**1535. Roads, etc., beyond corporate limits**—Any city of the state of Minnesota, now or hereafter having more than fifty thousand inhabitants is hereby authorized and empowered to extend, lay out, open, build, maintain and repair any road, street, avenue, boulevard, parkway or other public highway, or public park adjacent to any such highway, which may be authorized by ordinance of such city passed by a three-fourths vote of all the members of the city council, or other governing body of said city, whether such

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road, street, avenue, boulevard, avenue, parkway or other public highway be wholly within or partly within and partly without, or wholly without outside of, or beyond the corporate limits of said city. ('09 c. 485 § 1; amended '21 c. 21 § 2) [1549]

1536. Acquisition of property.—Any city mentioned in section 1 of this chapter may acquire by gift, devise, purchase, condemnation or other means any property necessary or convenient or desirable for the purpose of extending, laying out, opening, building, maintaining and repairing any road, street, avenue, boulevard, parkway or other public highway or public park adjacent to any such highway, authorized in section 1 of this chapter. ('09 c. 485 § 2; amended '21 c. 21 § 3) [1550]

A city cannot maintain condemnation proceedings to acquire land, ostensibly for an alley, with the intention of devoting the land to a purely private purpose in running a switch track to the land of an individual; and parol evidence is admissible to show that such is the purpose of the city, and that the statement in the petition that the property is sought to be condemned for an alley is not true. (133-221, 153+240)

1537. Condemnation, how conducted, etc.—Whenever the common council or other governing body of any such city shall by ordinance as aforesaid, declare that it is necessary or convenient or desirable to acquire any real property for any such public use, it shall describe such property as nearly as may be convenient in such ordinance, and state the use to which it is proposed to devote such property, and direct the city attorney to take the appropriate proceedings in the proper course for the condemnation of the same, and direct the city engineer to make and present to the common council, or other governing body, such plat and survey of said real estate as will show the property to be taken, and the owner of each parcel thereof according to the records in the office of the register of deeds of such county, and to accompany such plat and survey with such report as will fully explain the situation of such property, and such report may contain any other pertinent statement which the engineer deems best. The common council, or other governing body of such city may cause such plat and survey to be modified or amended as it may deem proper, and when satisfied with said plat and survey may adopt the same and direct a copy of such plat and such ordinance to be filed in the office of the register of deeds of the county in which such land is situate. Such copy of the plat and ordinance when so filed shall operate as notice of the pendency of an action by said city against each piece or parcel of land therein described for the condemnation thereof. The city attorney shall thereupon apply to the district court in and for such county for the appointment of three commissioners to appraise the property so to be taken and the damage for such taking. He shall give a notice of such application in which he shall specify the time and place of application, and in a general way describe the property proposed to be taken, and shall name the owners of such property so far as known to him, but failure to name all or any of the owners correctly shall in no wise affect the proceedings. Such notice shall be served by one publication of the same in the official paper of the city at least twenty days before the date fixed for such application, and a copy of such notice shall at least twenty days before the date fixed for such application be served upon any person or corporation in possession of any parcel therein described, and upon each person or corporation who appears by the records in the office of the register of deeds of the county in which such city is situated, to be interested in any of said parcels, and who can be found in such county, in the same manner as a summons is served in a civil action. At the time and place

named in said notice, or at a duly adjourned time and place, upon proof of the publication of said notice as aforesaid, the court shall appoint three commissioners, all of whom shall be freeholders and electors of the county in which said city is situate, who shall have cognizance of all cases named in such application, and shall have power to appraise the value of all property therein described, and the damages for the taking of the same. The city attorney shall forthwith by written notice, notify said commissioners personally of their appointment, and request them to attend at his office on or before a day fixed by him not less than two days after the service of such notice, to qualify and enter upon their duties, and if any commissioner shall refuse or neglect to attend as aforesaid, the mayor of the city shall in writing appoint one or more commissioners in the stead of the said absentees, and shall file such appointment with the clerk of the court which appointed such original commissioners. Said commissioners shall thereupon, and before entering upon the duties of their office, severally take and subscribe an oath to the effect that they are freeholders and electors of the county in question and in no wise interested in any property to be affected by said proceedings, and that they will faithfully perform their duty as such commissioners without partiality and to the best of their knowledge and ability, which oath shall be filed in the office of the clerk of said court. The commissioners shall thereupon give at least twenty days' notice, by one publication in the official paper of the city, of the time and place where they will attend to make an assessment of damages in said proceedings. Such meeting may be adjourned from time to time without further publication of notice. It shall be the duty of the city attorney to serve a copy of such notice at least four days before the date named in such notice upon all persons or corporation over whom the court shall acquire jurisdiction, and who shall serve notice upon the city attorney of their appearance in such proceedings. Such notice shall be served in the manner provided by statute for the service of notices and other papers in civil actions, and may be made upon the party or his attorney. At the time and place named in said notice, or at an adjourned time and place, the said commissioners, or a majority of them, after viewing the property involved and hearing the evidence offered, shall make through an impartial appraisement an award of compensation and damage to be paid for each tract or parcel of land to be taken or damaged, but if the remainder of any parcel or piece of property of which a part only is to be taken or damaged shall be benefited by such proposed improvement, then the commissioners in considering and awarding such compensation and damages, shall consider, determine and offset the proportionate benefits which will accrue to the remainder of such parcel not so taken and belonging to the same owner as does the part taken, and shall award only the excess, if any, of the compensation or damages over or above the benefits. Such report shall be in writing, signed by the commissioners, or a majority of them, and filed with the clerk of the court as soon as completed. Upon the filing of such report, the commissioners shall give notice thereof by one publication in the official paper of the city. Such published report shall contain a description of the several parcels of land taken or damaged for such public use and the respective awards therefor. A copy of such notice shall within ten days thereafter be served upon the city attorney and upon all parties who have appeared in said proceedings, and such notice shall be served in the manner provided by statute for the service of notices and other papers in civil actions, and may be made upon the party or his attorney. Any person or corpo-

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ration interested in any property described in said report or the city in question may appeal from any award therein at any time within thirty days after the publication of said notice by filing with the clerk of the district court which appointed said commissioners notice of appeal signed by the party or his attorney taking the same, and describing the party the property in which he is interested and the award to which he objects. An appeal made from any award shall in no wise affect an award not appealed from. The clerk shall enter the appeal as an action in said court; there shall be no pleadings therein and such appeal shall be tried as other causes originally commenced in said court are tried and judgment rendered therein. From such determination an appeal may be taken to the supreme court of the state. After said commissioners shall file said report and publish said notice thereof as aforesaid the court shall allow the commissioners such reasonable compensation for their services as it shall deem best, which shall be paid by the city seeking to condemn said property as aforesaid. Whenever an award of damages shall be made and filed as aforesaid, and not appealed from, in any proceedings for the taking of property, under this act, or whenever the court shall render final judgment in any appeal from any such award, the rights of all parties shall be finally fixed and determined thereby and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land for which damages are so awarded and every right, title and interest therein and thereto, and every other lien thereon shall be thereby directed and such city shall become vested with the title to, and become the owner of, the property taken or condemned absolutely for all the purposes for which said city may ever use the same; and such city shall be bound to, and shall within one year of the time of such final determination pay the amount of such award with interest thereon at the rate of five per cent. per annum from the date of the final award or judgment of the court, as the case may be, and if not so paid judgment therefor may be had against the city. In case there shall be any doubt as to who is entitled to such compensation or damages, or any part thereof as may be awarded, the amount so awarded, and in doubt or dispute shall be by the common council or other governing body of such city appropriated and set apart in the city treasury for whoever shall establish his right thereto by some judicial proceedings. Before payment of any such award the owner of such property, or the claimant of the award, shall furnish satisfactory evidence of his right to such award. Any such city may by ordinance passed by a three-fourths vote of all the members of its common council or other governing body, at any time within twenty days after any commissioners appointed by the court hereunder shall file their report with the clerk of said court, or in case of an appeal, within twenty days after final determination thereof, abandon such proceedings and shall thereupon pay the costs thereof. Upon the completion of any proceedings under this act for the acquisition of any property by any such city, the mayor or other executive head of such city shall cause an accurate description of the property so taken to be prepared, together with a statement of the amount of damages, if any, awarded or paid, or to be paid to each owner thereof and shall sign and acknowledge the same as such mayor or executive head, and cause the same to be recorded in the office of the register of deeds of the county in which such property is situated, and it is hereby made the duty of such register of deeds, upon being paid his statutory fees, to record such statement in some appropriate book in his office. Such record or duly certified copy thereof shall

be prima facie evidence that the city in question is the owner of the property described therein by good and perfect title. ('09 c. 485 § 3) [1551]

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**1538. To what cities applicable—Police protection—**This act shall be applicable to any city of the first class existing under a charter framed under and pursuant to section 36, article 4 of the constitution of the state of Minnesota. Any city acquiring any property under this act is empowered to afford police protection to any and every such property. ('09 c. 485 § 4) [1552]

**1539. Compensation for land condemned for parks—**That when any city in this state now or hereafter having a population of over fifty thousand inhabitants shall cause to be condemned any land for public parks or parkway purposes, such city shall thereupon cause to be paid to the owner of such property the amount of damages, over and above all benefits, which may have been awarded therefor, within one year after confirmation of the award or assessment, or the final determination of any appeals therefor, with interest at the rate of five per cent per annum, but nothing in this act shall take away any existing right to annul and abandon such proceedings. ('05 c. 103 § 1) [1553]

**1540. Payment from park fund—**That any such city is hereby authorized to pay the whole or any part of any award or judgment for land condemned for park or parkway purposes out of the park fund, in case said city has on hand in the park fund, or can obtain by donation, bequest or otherwise under lawful authority, moneys available therefor. ('05 c. 103 § 2) [1554]

**1541. Abandonment of proceedings—**Nothing contained in this act shall deprive the city of the power to abandon proceedings as now provided by law. ('05 c. 103 § 3) [1555]

**1542. One mill tax for parks and parkways—**Any city in this state now or hereafter having a population of over fifty thousand inhabitants is hereby empowered to levy annually upon all the taxable property of such city a tax not exceeding one mill upon the dollar of the assessed valuation thereof, for the acquisition, maintenance and improvement of parks, parkways and other grounds under the control of the board of park commissioners or other body having jurisdiction and control of parks and parkways in such city. ('09 c. 359 § 1) [1556]

**1543. Regulating travel on parkways—"Parkway" defined—**The board of park commissioners, or other governing body having control of parks and parkways of any city now or hereafter having a population exceeding fifty thousand, shall have power to enact ordinances and to prescribe penalties for the violation thereof for the purpose of regulating, controlling and limiting the use of and travel upon and over all parkways heretofore or hereafter established by any such city, in or adjacent to the city, whether such parkways were originally established as parkways or were streets or highways before being taken as parkways, and among other things to exclude from such parkways all vehicles in use for any purpose except carrying passengers. For the purpose of this act the term "parkway" shall include the roadways and carriage-ways of parks as well as parkways. ('07 c. 440 § 1) [1557]

**1544. Power of council to levy assessments not divested—**That this act shall not divest or deprive the common council of any such city of any jurisdiction or power now existing by virtue of any statute or charter, to levy assessments for the grading, protecting, improving and ornamenting of any public park, square or grounds now or hereafter laid out, and for planting and protecting shade and ornamental trees and for constructing or reconstructing sewers, sidewalks, retaining walls, gutters, curbing, and for boulevards,

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macadamizing and paving in or upon any such streets set apart for park and parkway purposes. ('07 c. 440 § 2) [1558]

**1545. Sprinkling boulevards—Jurisdiction of park board**—Whenever in any city of this state having more than fifty thousand inhabitants, a majority of the owners of property fronting upon any street or any portion of any street not less than one block in length, wherein have been constructed or shall hereafter be constructed any grass plots between the sidewalks and roadways of such streets, shall file a petition with the common council or other governing body, to place the grass plots in said street, (or such portion of the street upon which the property owned by the petitioners shall front as aforesaid) under the care and management of the board of park commissioners of such city for the purpose of having the grass sprinkled during the season of the year when the streets adjacent thereto are sprinkled, such common council may, upon the filing of such petition, pass a resolution placing the grass plots in the street or portion of street described in such petition, under the jurisdiction, care and management of said board of park commissioners, for the purpose of having the grass thereon sprinkled between the sidewalk and roadway in any such street, and upon the passage of such resolution it shall be the duty of the clerk of such common councils, or other governing body, to forthwith forward to said board of park commissioners a certified copy of such resolution. ('07 c. 179 § 1) [1559]

**1546. Boulevard defined**—The word "boulevard" as used in this act shall be construed to mean and refer to all that portion of any street upon which shall have been constructed any grass plot between the sidewalk and roadway of such street. ('07 c. 179 § 2) [1560]

**1547. Duties of park board**—On receipt by said board of park commissioners of a certified copy of such resolution, the boulevard upon the street or portion of street described in said petition and resolution shall be under the jurisdiction, care and management of said board of park commissioners for the purpose of sprinkling said boulevard whenever necessary, and thereupon said board of park commissioners may cause said boulevard to be sprinkled whenever necessary, and the expense of such work shall in the first instance be payable out of a general fund of such city. ('07 c. 179 § 3) [1561]

**1548. To keep account of cost—Assessment**—It shall be the duty of the said board of park commissioners at all times to keep accurate account of the cost of sprinkling such boulevards as authorized by this act, in front of such lot or parcel of land fronting on such boulevard, and on or before the first day of October of each year, said board shall assess the cost and expense of such work as has been done in front of each of said lots or parcels of land since the first day of October in the preceding year, including the proportionate cost of making such assessment, upon such lot or parcel of land. ('07 c. 179 § 4) [1562]

**1549. Duty of county auditor—To be collected like taxes**—On or before the first day of November of each year, said board of park commissioners shall transmit to the county auditor of the county in which said city shall be located, a certified copy of the assessment roll and said county auditor shall extend the assessments in the proper columns against the pieces or parcels of land assessed, and such assessment shall be collected and the payment thereof enforced in like manner as state and county taxes are collected in such county and in said state, and the payment thereof enforced. When such assessment shall have been collected, the amount thereof shall be paid by the county treasurer to the

city treasurer of such city, and by said city treasurer be placed to the credit of the general fund of such city for the purpose of reimbursing the said city for the cost of doing the work for which said assessment was made. ('07 c. 179 § 5) [1563]

**1550.—Re-assessment**—If any such assessment shall be set aside as to any real estate for any cause by a decision of court or for any cause may be found irregular or defective, the said board of park commissioners may make a re-assessment as to such property from time to time and as often as need be, until each lot or parcel of real estate has paid the cost of sprinkling the boulevard in front thereof, together with its proportionate part of the cost of making such assessment. ('07 c. 179 § 6) [1564]

**1551. Exchange lands for parks or playgrounds**—Any city in this state now or hereafter having a population of over fifty thousand inhabitants, is hereby empowered to exchange for other lands to be used for parks or playgrounds, any lands acquired by such city for parks or playgrounds; provided, that at least two-thirds of all the members of the common council of such city shall approve such exchange, and the board of park commissioners or other body having jurisdiction and control of parks and playgrounds in such city, shall by a two-thirds vote thereof, request the common council so to do. ('11 c. 26 § 1) [1565]

**1552. Designation of land for system of streets, parks and parkways**—The city council and the board of park commissioners of any city of the first class may by concurrent resolution adopted by a majority vote of each body, designate lands to be acquired for a system of streets, parks and parkways, and determine that such land shall be acquired by proceedings under this act, to be conducted either by the city council or the board of park commissioners, as such resolution shall specify. If said proceedings are taken by the board of park commissioners, the duties herein specified to be performed by the city clerk, the city engineer and the city attorney respectively, shall be performed by the secretary, the engineer and the attorney elected and employed by the board of park commissioners, and the powers hereinafter specified to be exercised by the city council may for the purposes of this act be exercised by the board of park commissioners. The term system of streets, parks and parkways, as used herein, shall embrace any body of contiguous land of whatever shape or area, designed ultimately to be used in part for streets and in part for parks or parkways, and the concurrent resolution shall designate what part is for streets, what part for parks and what part for parkways. Whenever the city council desires to take or improve, or take and improve, land for street purposes alone, it may proceed under this act for that purpose without the concurrence of the board of park commissioners, and whenever the board of park commissioners desires to take or improve, or to take and improve, land for parks and parkways alone, or either, it may proceed under this act without the concurrence of the city council. ('11 c. 185 § 1; amended '17 c. 103 § 2) [1566]

This act does not apply to cities under home rule charters. 136-1, 161+231; 140-435, 168+189; 142-309, 172+135; 188+54; 188+59.

**1553. Proceedings for acquisition of land**—After the adoption of the resolution it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opin-

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ion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement.

When such plat and survey shall be finally adopted by the city council, it shall be filed with the city clerk, and it shall be held to show correctly the character and extent of the improvement actually agreed upon and ordered by the city council.

Said plat shall also show the amount of land taken from each owner, so far as the owners may be known, and the lands contiguous to such improvements.

The city council shall then or afterwards appoint five freeholders of said city, no two of whom shall reside in the same ward, as commissioners, to view the premises and to ascertain and award the amount of damages and compensation to be paid to the owners of property which is to be taken or injured by such improvement, and to assess the amount of such damages and compensation and the expense of the improvement upon the lands and property to be benefited by such improvement, and in proportion to the benefits to be received by each parcel and without regard to a cash valuation.

Three or more commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their number shall be filled by the city council, and they shall be sworn to the faithful discharge of their duties. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, amount necessary to pay such compensation and damage and the cost of making the improvement, and that they will then and there hear such allegations and proofs as interested persons may offer. Any such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city, and adjourn from time to time. After viewing the premises and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded upon the land and property benefited by such proposed improvements, together with the expense and cost of making the improvements as fixed by the city council, and in proportion to such benefits, but in no case shall

the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisal and award, and if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages, and costs, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed against each parcel of property and the amount of the excess of such compensation, damages and costs as aforesaid, which they shall return unassessed.

The commissioners may employ clerical assistance, and the cost thereof, as well as the commissioners' compensation, and the expenses of printing the notices required, including, among others, the notice of consideration by the city council, hereinafter referred to, estimated at the same rate per line as the cost of printing the prior notices, shall be added to the other amounts to be assessed and shall be assessed therewith. The city attorney shall represent the city before the commissioners and produce such evidence as the case may require.

The city council, may, however, provide by the resolution appointing such commissioners that a certain specified percentage, not exceeding thirty-three and one-third ( $33\frac{1}{3}$ ) per cent, of the total damages and cost of improvements, shall in any case be payable out of the city's general funds, and in that case the city's share shall be added to the amount of the certificates to be issued and sold under section 10, and the city council shall from year to year levy a sufficient tax upon the taxable property of the city to pay the same, with interest. In such case the amount provided to be paid out of the general funds shall not be assessed.

Said commissioners shall, upon the completion of their said report, file the same with the city clerk for presentation by him to the city council and thereupon it shall be the duty of said city clerk to give notice to all interested parties by one (1) publication in the official paper of said city that he will at the next meeting of the city council, or as soon thereafter as practicable, present such report to said council for their consideration and action, the first one (1) of which said notices shall be published at least ten (10) days before the presentation of such report to said city council; such published notices shall contain descriptions of the several lots and parcels of land taken for such proposed improvements, and the amount awarded for the taking of each such lot or parcel, together with the names of the owner or owners of the same, as nearly as they can be readily ascertained. It shall also contain descriptions of the several lots or parcels of land upon which benefits have been assessed and the amount assessed against each such lot or parcel, together with the names of the owner or owners of the same, as nearly as the same can be readily ascertained.

Such report after its presentation to the city council shall lie over until the next regular meeting of the council which shall occur at least one week after the reception thereof, at which time, or at any meeting to which the report may be referred, the city council may act upon such report and hear any complaint touching

such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award and assessment or either, or annul the same, or send the same back to the commission for further consideration; and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as hereinafter provided, and the city council shall proceed, at the same or any subsequent meeting, to levy such assessment upon the several parcels of land described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

"The city council doth hereby assess and levy upon and against the several lots and parcels of land below described the respective sums of money set against each lot or parcel. This assessment is made to defray the compensation and damages awarded for the taking of and injury to private property, and estimated cost of improvement, and in and about the \_\_\_\_\_ as shown on the plat and survey of the same on file in the office of the city clerk of said city. This levy is made conformably to the report and assessment of commissioners duly appointed to make such assessment, and in proportion to benefits from such improvements to accrue to the parcels and not exceeding the benefits to the parcels so assessed.

Name of owner, if known	Description of land	Lot Block	Amount Dollars Cents
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Done at a meeting of the city council this \_\_\_\_\_ day of \_\_\_\_\_, A. D. 19\_\_\_\_.

Attest: \_\_\_\_\_  
City Clerk.

Pres't of the Council."

('11 c. 185 § 2; amended '13 c. 345 § 1) [1567]  
128-531, 150+398; 136-1, 161+231; 140-435, 168+189;  
142-309, 172+135; 188+59.

**1554. Objections to confirmation—Appeal to district court—Commissioners to reappraise—Appeal to supreme court—**Any person whose property is proposed to be taken, interfered with or assessed for benefits under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the city council, file with the city clerk, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of and containing a description of the property affected by

such proceedings, and if, notwithstanding such objections, the city council shall confirm the award or assessment, such person objecting shall have the right to appeal from such order of confirmation of the city council, to the district court of the county at any time within ten days after such order. Such appeal shall be made by serving a written notice of such appeal upon the city clerk of said city, which shall specify the property of the appellant affected by such award, and refer to the objection filed as aforesaid, and by also delivering to said city clerk a bond to the city, executed by the appellant, or by some one on his behalf with two sureties, who shall justify in the penal sum of fifty dollars, conditioned to pay all costs that may be awarded against the appellant. Thereupon the city clerk shall make out and transmit to the clerk of said district court a copy of the award of said commissioners, as confirmed by the council, and of the order of the council confirming the same, and of the objection filed by the appellant as aforesaid, all certified by said clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the clerk in appeals subsequent to the first, shall send up anything except a certified copy of the appellant's objections. There shall be no pleading on such appeal but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his said written objections, that as to him the award or assessment of the commissioners ought not to stand and whether said commissioners had jurisdiction to take action in the premises.

The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits and described in said written objection, from such determination no appeal or writ of error shall lie.

In case the amount of damages awarded or assessment made for benefits is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, upon such confirmation, appoint three disinterested freeholders, residents of said city, commissioners to re-appraise such damages or benefits. The parties to such appeal shall be heard by said court upon the appointment of such, and the court shall fix the time and place of the meeting of such commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of such damages or assessments. Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of benefits to other property of the same owners, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said city council. They shall, after such hearing and view of the premises make report to said court of their appraisal of damages or assessments of benefits in respect to such appellant. The award or assessment of such commissioners shall be final unless set aside by the court for good cause shown. In case such report is set aside, the court may, in its discretion, recommit the same to the same commissioners or appoint a new board as it shall deem best. Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, includ-

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ing the compensation of such commissioners as it shall deem just in the premises.

In case the court shall be of opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant.

An appeal may be taken from the court's final order to the supreme court by the city or any party thereto.

In case of proceedings conducted by the city council all reports and other papers shall be filed in the office of the city clerk, and notices of appeal and other notices to the city shall be served upon the city clerk. In case of proceedings conducted by the board of park commissioners, all papers shall be filed in the office of the secretary or other recording officer of the board, and all notices of appeal and other notices to the city shall be served upon the secretary or other recording officer of the board. ('11 c. 185 § 3; amended '13 c. 345 § 2) [1568]

128-531, 150+398; 136-1, 161+231; 140-435, 168+189; 142-309, 172+135; 188+54.

**1555. Assessments for parkways to be paid from permanent improvement fund**—Whenever any award or awards of damages made to appellants upon any such appeal or appeals to the district court shall exceed the amount of the award or awards appealed from, and when any assessment or assessments of benefits made in respect to any appellant or appellants upon such appeal or appeals shall be less than the amount of the assessment or assessments of benefits appealed from, the amount of such increase in the amount of said award or awards of damages and the amount of such decrease in such assessment or assessments of benefits may be paid by the city from the permanent improvement fund or any fund of the city available therefor, or the city council may cause the same to be assessed upon and against any property benefited by the proposed improvements in addition and without prejudice to prior assessments made thereon in said proceedings, and may refer the matter to the commissioners theretofore appointed by the council in such proceeding or to new commissioners to be appointed by the city council. Such commissioners, whether new or old, shall have the same qualifications as required of commissioners appointed by Section 2 hereof and such commissioners shall take oath to faithfully discharge their duties as such commissioners and give notice of the time and place when and where they will meet to hear persons interested and assess the amounts of such increase of awards of damages and decrease of assessments of benefits upon the land and property benefited by such proposed improvements. Such commissioners shall meet at the time and place so designated in their notice and hear all persons interested and assess the amount of such increased awards of damages and decreased assessments of benefits upon the property benefited by such proposed improvements, in proportion to such benefits, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel of land so assessed, and said commissioners shall prepare and report to the city council an assessment list of the assessment so made by the commissioners, containing a brief description of each piece of property assessed, the name of the owners thereof if known, and the amount assessed against the same. Said commissioners shall file such assessment list with the city clerk, who shall present such list to the city council for consideration. A brief minute of the presentation of such assessment list to the city council shall be made and published in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned. Such assessment list shall lie over without action thereon by the city council until the next regular meeting of

the council which will occur at least one week thereafter, at which time or any meeting thereafter the city council may confirm such assessments and assessment roll or send the same back to the commissioners for further consideration and report thereon. Any person interested who is dissatisfied with the amount of any such assessment may file objections thereto and may appeal from the confirmation of such assessment by the city council to the district court in like manner and with like proceedings as provided in Section 3 hereof in respect to filing objections and taking appeals from original appeals made in such proceedings. Any decrease made in any such assessments upon any such appeals may be paid by the city from the permanent improvement fund or any fund of the city available therefor, or cause the same to be re-assessed as hereinabove provided. ('11 c. 185; amended '13 c. 345; '15 c. 86 § 1)

**1556. Right of council to abandon—Effect of award—Payment**—The city council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this act, or at any time within ninety (90) days after the final order of the court, on the last of all appeals from such proceedings, to set aside any or all awards and abandon all such proceedings as to any or all parcels whenever it shall deem it for the interest of the city to do so. Such awards, if not set aside as aforesaid, shall be a charge upon the city, for the payment of which the faith and credit of the city shall be pledged and shall entitle the city to immediate possession. The city council may in its discretion order such awards to be paid into the district court of the county for the use and benefit of the persons who shall be found entitled thereto, in which case the moneys so paid into court shall be paid out under order of the court upon application of parties interested and upon such notice as the court may prescribe. ('11 c. 185 § 4) [1569]

136-1, 161+231; 140-435, 168+189; 142-309, 172+135; 143-393, 173+714.

**1557. Spreading of assessment—Installments**—The city clerk shall transmit a certified copy of such assessment roll to the county auditor of the county in which the land lies, and the county auditor shall include 5 per cent of the principal amount of such assessment with and as part of the taxes upon each parcel for each year for twenty years, together with annual interest at the rate ascertained, as hereinafter provided. The city council and board of park commissioners may, however, by such concurrent resolution, determine that the amount of such assessment shall be collected in five or ten equal annual installments instead of twenty, and in such case the county auditor shall include a corresponding per cent of the principal amount of such assessment with and as part of the taxes of each year, together with such annual interest until the whole is collected. With the first installment the auditor shall include interest upon the entire assessment from the date of the assessment to the time when the tax books including the first installment are delivered by the county auditor to the county treasurer, and thereafter the auditor shall include in the taxes for each year one of such installments, together with one year's interest upon such installment, and all subsequent installments at the same rate, each of which, together with such interest, shall be collected with the annual taxes upon such land, together with like penalties and interest in case of default, all of which shall be collected with and enforced as the annual taxes and credited to the proper city fund. Any parcel assessed may be discharged from the assessment at any time after the receipt of the assessment by the county auditor by paying all installments that have gone into the hands of the county treasurer as aforesaid, with accrued interest, penal-

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ties and costs, as above provided, and by paying all subsequent installments; or any parcel assessed may be discharged from the assessment by presenting certificates or bonds sold against such assessments as herein provided sufficient in amount to cover all installments due on such parcel and accrued interest, penalties and costs, and all installments yet to accrue, by surrendering such certificates or bonds to the county treasurer for cancellation or having endorsed thereon such installments, interest, penalties and costs. Said assessment shall be a lien on the land from the time of the making thereof as against the owner and every person in any way interested in the land. The owner of the land and any person interested therein may defend against such assessment at the time of application for judgment in the regular proceedings for the enforcement of delinquent taxes, but such assessment shall not be deemed invalid because of any irregularity, provided the notices have been published substantially as required, and no defense shall be allowed except upon the ground that the cost of the improvement is substantially less than the amount of the assessment, and then only to the extent of the difference between the assessment and the actual cost. Assessments made under this act shall be called special street and parkway assessments of the city of..... and numbered consecutively. Whenever an assessment is certified as aforesaid by the city clerk to the county auditor, a duplicate thereof shall be sent to the city comptroller, and all such assessments shall be sufficient identified by the name and number as aforesaid. ('11 c. 185 § 5; amended '13 c. 345 § 4; '17 c. 103 § 3) [1570]

136-1, 161+231; 140-435, 168+189; 142-309; 172+135.

1558. Method of improvement—Assessments—The city council and park commissioners may by such concurrent resolution, or by separate resolution when acting separately, specify the method of improving any such street, park or parkway, including grading, drainage, planting, paving, curb, gutter and sidewalk, as well as sewer and water mains where necessary, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses. The city engineer shall estimate the cost of each item in such improvement separately and submit the estimate with the plat. Such estimates shall be for not to exceed six-inch water mains and not to exceed twenty-four inch sewers. The city council shall examine such estimates and after modifying, if necessary, find and adopt an estimate of such cost. The city council, in appointing commissioners, shall recite said estimate, and the commissioners shall assess the amount thereof or so much thereof as shall be directed by the city council, upon such lots and parcels of land in the city as they shall deem specially benefited in proportion to such benefits, and not exceeding the actual benefit to any parcel, and add the same to the benefits assessed under section 2 of this act and report the net result of damages or benefits as required by said section 2, and with like proceedings thereafter. Provided that if any proceedings under this act the actual cost of the improvement of any such street, park or parkway in the manner herein designated is less than the estimated cost thereof as found and adopted by the city council, the city council may direct the distribution of such excess as follows: In case the assessments in any such proceeding have not been entirely collected, or in case the city council deem that any such assessments may not be fully collected, the city council may direct the city comptroller to retain in the fund in such proceeding a sum sufficient, in the judgment of said city council, to cover the deficiencies in the collection of such assessments, and the city council may direct that the balance

of such excess of estimated cost shall be disposed of in the manner hereinafter provided. The city council may direct the city comptroller to certify the amount of such balance to the county auditor. The county auditor shall thereupon deduct such amount from the first instalment of the assessment to be collected after the receipt of such certificate. Such deduction shall be made from the assessment against each piece or parcel of property in the proportion that such excess as certified by the city comptroller bears to the total of such instalment of the assessment. If such balance as certified exceeds one instalment, it may also be deducted in like manner from succeeding instalments until the same is fully deducted. Provided further that if any portion of the damages and cost of such improvement has been paid by the city, the city council shall direct the city comptroller to certify to the county auditor only such percentage of such balance or excess of estimated cost as shall be equal to the percentage of the total estimated cost of the improvement and damages which has been or is assessed against benefited property. No such certificate shall be directed by the council or issued to the county auditor until after a report from the city engineer that the work under any such proceeding has been completed and each item of damage or cost in such proceeding paid. In any such proceeding where there is or may be such an excess of estimated cost, and there is or shall be a balance in the fund in such proceeding over and above the actual cost, the city council shall be entitled to withdraw from such fund a percentage of such fund equal to the percentage of the cost of such improvement paid by the city, and cause such percentage to be deposited in the fund from which it was originally drawn or taken by such city council. Any existing street, park or parkway may be improved and the expense thereof assessed and raised in the manner provided by this act for acquiring and opening streets, parks and parkways and improving the same, including any or all of the following improvements, to-wit, widening, grading, drainage, planting, pavement, sidewalks, curb and gutter, sewers and water mains, and in the case of parks, the necessary structures and apparatus for playgrounds and general park uses. In case of streets or parkways exceeding eighty (80) feet in width, the resolution may, for the purpose of facilitating connections with private property and obviating the necessity of cutting or breaking into the improvements, order a double water main or a double sewer, one on either side of the street or parkway, or adopt such other arrangement or device as may seem most feasible. ('11 c. 185 § 6; amended '13 c. 345 § 3; '17 c. 103 § 4; '23 c. 438 § 1) [1571]

136-1, 161+231; 140-435, 168+189; 142-309, 172+135; 188+54; 188+59.

1559. Assessments in five installments—Where lands are acquired hereunder for streets, parks and parkways and the total cost thereof shall be less than three thousand dollars (\$3,000), the amount of the assessment therefor shall be collected in not more than five equal annual installments. ('11 c. 185; amended '17 c. 103 § 3; '19 c. 219)

1560. Title acquired—The title obtained to land designated for park purposes under this act shall be an absolute estate in fee simple unqualified in any way whatever, and shall vest in the city. In other lands an easement only shall be taken. ('11 c. 185 § 7) [1572]

136-1, 161+231; 142-309, 172+135.

1561. Streets, parks and parkways, how governed, etc.—When the proceedings are completed, the streets, parks and parkways shall be governed as other streets, parks and parkways by the city council and board of

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park commissioners respectively; but such streets may be taken by the board of park commissioners for parkways with the consent of the city council and parkways may be taken by the city council for streets with the consent of the board of park commissioners. ('11 c. 185 § 8) [1573]

**1562. Improvements, when and how made**—The improvements so ordered shall be made as soon as possession after the land is secured, and shall be made by the body which conducts the proceedings for acquisition. ('11 c. 185 § 9) [1574]

**1563. Bonds for such improvements**—The city council, for the purpose of realizing the funds for making such improvement and paying such damages, may issue and sell special certificates of indebtedness, or special street or parkway improvement bonds, as they may decide, which shall entitle the holder thereof to all sums realized upon any such assessment, or if deemed advisable, a series of two or more certificates or bonds against any one assessment, or against the assessments in two or more different proceedings, the principal and interest being payable at fixed dates out of the fund collected from such assessments, including interest and penalties, and the whole of such fund or funds is hereby pledged for the pro rata payment of such certificates or bonds and the interest thereon, as they severally become due. Such certificates or bonds may be made payable to the bearer, with interest coupons attached, and the city council may bind the city to make good deficiencies in the collection up to, but not exceeding, the principal and interest at the rate fixed as herein-after provided and for the time specified in Section 5. If the city, because of any such guaranty, shall redeem any certificate or bond, it shall thereupon be subrogated to the holder's rights. For the purpose of such guaranty, penalties collected shall be credited upon deficiencies of principal and interest before the city shall be liable. Such certificates or bonds shall be sold at public sale or by sealed proposals at a meeting of which at least two weeks' published notice shall be given, to the purchaser who will pay the par value thereof at the lowest interest rate, and the certificates or bonds shall be drawn accordingly, but the rate of interest shall in no case exceed five per cent per annum, payable annually or semi-annually. The city clerk shall certify to the county auditor the rate of interest so determined, and interest shall be computed upon the assessments at such annual rate, in accordance with the terms of Section 5. ('11 c. 185 § 10; amended '13 c. 345 § 5; '17 c. 11 § 1) [1575]

**1564. Scope of act**—The provisions of this act shall apply to all cities of the first class, including all cities of the first class having and operating under a charter by it adopted in pursuance of Section 36, Article 4, of the Constitution of Minnesota.

The term city council in this act as amended shall be held to refer to the governing body of such cities, whether so called or called common council or otherwise. The proportion of the cost of any improvement which may be made payable out of the city's general fund by resolution under section 2 and for which certificates or bonds are issued, shall be accounted a part of the bonded debt of the city, but the city's liability upon any guaranty to make good deficiencies under section 10, shall not be taken into account as part of its indebtedness, until the amount of such deficiency of collection, defined as aforesaid, is determined, and then only for the amount of such deficiency. ('15 c. 185 § 11; amended '23 c. 438 § 2) [1576]

**1565. Addition to existing powers**—The powers herewith granted shall be deemed an addition to all powers under existing laws and city charters and not a repeal

or modification thereof. ('11 c. 185 § 12; amended '23 c. 438 § 3) [1577]

**1566. Payment by city—Gifts**—The city may also, if it have funds available from other sources, pay any such portion of the total cost of any improvement as it deems best and raise the remainder by the methods hereinabove provided. It may also accept gifts to be used for any such purpose. ('11 c. 185, amended '13 c. 345 § 8) [1578]

**1567. Condemnation of lands for public playgrounds**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, shall have the right, power and authority to condemn lands under the right of eminent domain for public playgrounds, and such power and authority shall be exercised under and pursuant to the terms and provisions of chapter 41 of the Revised Laws of Minnesota for the year 1905, and acts amendatory thereof. Provided, however, that any such city shall have the right, upon the filing of the award of the commissioners provided for in said chapter 41, and upon giving the notice therein required of the filing of such award, to enter upon and appropriate the lands so condemned, without the giving of any bond, but in case of such entry and appropriation, such city shall be bound absolutely to pay all damages awarded, whether by said commissioners or by the court upon appeal therefrom, together with all costs and expenses adjudged against it therein, within the time specified in said chapter 41. In case any such city shall appeal from the award of commissioners appointed pursuant to any such condemnation proceedings such city shall not be required to give or file any appeal bond therein. ('11 c. 162 § 1) [1579]

**1568. To what cities applicable**—This act shall also apply to cities existing under a charter framed pursuant to section 36 of article 4 of the constitution. ('11 c. 162 § 2) [1580]

**1569. Residence districts—Council may designate**—Any city in this state now or hereafter having a population of fifty thousand inhabitants and over may, in the exercise of the police power by ordinance, duly adopted by its city council or common council or other governing body, upon petition of fifty per cent of the property owners of the district sought to be affected, designate residence districts in such cities wherein only buildings for residences may be erected and maintained including duplex houses and double houses and prohibiting the erection and maintenance of hotels, stores, factories, warehouses, dry cleaning plants, public garages or stables, tenement and apartment houses. ('13 c. 98 § 1) [1581]

**1570. Building lines — Easements** — The common council of any city, including any city of this state operating under a home rule charter adopted pursuant to Chapter 36, Article 4, of the state constitution, may establish along any street or highway within such city a building line upon the land adjoining such street or highway, or any portion thereof, and distant not more than fifty feet from the margin of such street or highway, and may, in behalf of the city, acquire an easement in the land between such line and the exterior street line, such that no buildings or structure shall be erected or maintained upon said land. Such easement shall be known as a building line easement. Provided that the governing body may, at the time they designate the easement to be acquired and define the line by which it is bounded, provide in the resolution designating such easement that buildings or structures or any portions of buildings or structures existing within the boundaries of the easement at that time may remain thereon for stated periods of time or remain thereon during the life of such buildings or structures or portions thereof, but no alteration of any such build-

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ings or structures or portions thereof upon such easement shall be permitted after the designation of such easements, and when such buildings are removed no other buildings or structures shall be erected thereon. Such permission to maintain existing structures upon such easement shall be clearly defined as to time in such resolution and shall confer the right upon the owner of such buildings or structures or portions thereof to maintain the same as defined in such resolution. ('03 c. 184 § 1, amended '23 c. 193 § 1).

134-228, 158+1018; 136-479, 162+477; 142-30, 170+853; 144-18, 174+887.

**1571. Residence districts in cities not under home rule charters—Council may designate—**Any city in this state now or hereafter having a population of fifty thousand inhabitants or over may, in the exercise of the police power, by ordinance duly adopted by the city council or common council or other governing body, by a two-thirds vote, upon petition of fifty per cent of the property owners of the district sought to be affected, designate residence districts in such cities and prohibit the erection and maintenance of hotels, stores, factories, warehouses, dry cleaning plants, public garages or stables, or any industrial establishment or business whatsoever, tenement and apartment houses. ('13 c. 420 § 1) [1582]

**1572. Designation of industrial districts, etc.—**Any such city by a like vote of its governing body may also classify industries and industrial establishments, and may designate, define and limit industrial districts within said city where such classes of industries and industrial establishments may be erected, operated and maintained, and may prohibit the erection, operation and maintenance of others within such districts. ('13 c. 420 § 2) [1583]

**1573. Change of districts—**The said city council, common council or other governing body of said city may, at any time thereafter and whenever it shall find that the character of any residence or industrial district shall have changed materially, and on petition of fifty per cent of the property owners of said district, set aside its former determination and establish a residence district out of an industrial district, or an industrial district out of a residence district, by resolution or ordinance, duly passed, provided however, that any industry which may have been heretofore established in such district, shall not be disturbed unless the same shall become a public nuisance. ('13 c. 420 § 3) [1584]

**1574. Ordinances legalized—**Any ordinance providing for such classification of industries and industrial establishments and the establishment of industrial or residence districts, which may have been heretofore passed by any such city, is hereby legalized. ('13 c. 420 § 4) [1585]

**1575. Free water for free public baths—**Any city in the state of Minnesota, now or hereafter having a population of more than 50,000 inhabitants, is hereby authorized and empowered, acting by and through its board of water commissioners, or city or common council or other governing body, to furnish or cause to be furnished free of charge to all persons or corporations who shall provide free public baths in said city, all water necessary for properly maintaining and supplying such baths. ('13 c. 10 § 1) [1586]

**1576. "Free public baths" defined—**The term "free public baths," as used in this act, shall mean all buildings and institutions for bathing purposes which shall be maintained without expense to the city wherein the same shall be located, and which shall be open to use, without charge, by all of the inhabitants of such city without discrimination. ('13 c. 10 § 2) [1587]

**1577. To what cities applicable—**This act shall also apply to cities existing under a charter framed pursuant to section 36 of article IV of the constitution. ('13 c. 10 § 3) [1588]

**1578. Rate of interest on assessment certificates—**That all certificates of sale hereafter issued by the proper authorities of any city of the state of Minnesota now or hereafter having a population of over fifty thousand inhabitants, upon a sale of real property for any assessment for local improvement, shall bear the same rate of interest as was provided by law in such case previous to the enactment of said chapter 205 of the Laws of Minnesota for the year 1905. ('07 c. 132 § 2) [1589]

By section 1 of the act 1905 c. 205, providing for interest at 8 per cent, except where a lower rate was then provided by law, is repealed.

**1579. Unredeemed assessment certificates—Sale—**That any city in this state now or hereafter having a population of over fifty thousand inhabitants, now or hereafter holding or owning any sale certificates issued under and by virtue of any local improvement assessment, made by the proper authorities of such city, upon which the time for redemption has expired, may sell and dispose of the same or any part thereof and all interest acquired by such city thereunder in the lands therein described. ('05 c. 269 § 1) [1590]

**1580. Sale, how made—**Such sale shall be made by the treasurer of such city publishing a notice in the official paper of such city once in each week for three successive weeks that sealed proposals will be received therefor, the last publication to be at least ten days before the date set for receiving such proposals. The notice shall specify the date and the amount of each certificate, together with a description of the lands described therein, and any bidder may include in his proposal any one or more of such certificates. Any proposals received thereunder by such treasurer shall be reported by him to the next regular meeting of the common council of such city, and if such bids or proposals or any of them are accepted and approved by the common council of such city, the proper city officers shall thereupon execute and deliver to such bidder all necessary assignments and deeds as may be necessary to transfer to said bidder all the right, title and interest in and to the certificates awarded to such bidder, and all lien, right, title and interest of the city in and to the lands described therein, held or acquired by the city, under and by virtue of such certificate, upon payment to the city treasurer of the purchase price designated in such bid or proposal. ('05 c. 269 § 2) [1591]

**1581. Local assessments for streets, parks, etc.—****Payment in annual installments—**Whenever any city of the first class including, among others, those cities operating under charters adopted in pursuance of section 36 of article 4 of the constitution of Minnesota, shall have completed, in accordance with the provisions of its charter, any assessment upon benefited real estate for paying the cost of the acquisition of any land, or interest in land, taken for a public use, or for paying the cost of any improvement which shall have been duly authorized, or both, the city council of said city by a five-sixths vote may by resolution provide that said assessment may be paid in any number of equal annual installments, not exceeding twenty (20). Provided, the city council shall not exercise the power granted by this act after the proceeds of such assessment has been pledged by the issue of bonds or certificates of indebtedness to be paid from the proceeds or otherwise. ('13 c. 295 § 1) [1602]

**1582. Same—Duties of clerk and auditor—Assessment, how discharged, etc.—**The city clerk shall there-

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upon transmit a certified copy of such assessment roll to the county auditor of the county in which the city is situated each of which certified copies shall bear an appropriate name and be numbered consecutively from one (1) upwards. In cases where the whole undertaking requires the condemnation of land and improvements the assessments for the condemnation of land and the assessments for improvements may be consolidated as to each parcel of land and certified to the county auditor as one assessment. And thereupon the county auditor shall include one of the equal annual payments of the principal amount of said assessment with and as a part of the taxes upon each parcel for each year until the whole assessment shall be thus included, together with annual interest at the rate prescribed by the city, council, not exceeding five (5) per cent per annum. With the first installment, the county auditor shall include interest upon the entire assessment from the date of the assessment to the time when the tax books including the first installment are delivered by the county auditor to the county treasurer, and thereafter the county auditor shall include in the taxes of each year one of such installments, together with one year's interest upon such installment and all subsequent installments at the same rate, each of which, together with such interest shall be collected with the annual taxes upon such land together with like penalties and interest in case of default, all of which shall be collected and enforced as the annual taxes and credited to the proper city fund. Any parcel assessed may be discharged from the assessment by presenting a local improvement bond sold against such assessment as herein provided sufficient in amount to cover all installments unpaid on such parcel and accrued interest, penalties and costs, and surrendering such local improvement bond or bonds to the county treasurer for cancellation or having endorsed thereon such installments, interest, penalties and costs. Whenever an assessment is certified as aforesaid by the city clerk to the county auditor, a duplicate thereof shall be sent to the city comptroller, and such assessment shall be sufficiently identified by the name and number as aforesaid. All installments due and payable and all interest or penalties on the same having been paid, nothing herein shall prevent the transfer of said property or any interest therein on the books of the county wherein it is situated, or the recording of instruments or transfers subject to the lien of future installments, interest and penalties. ('13 c. 295 § 2) [1603]

**1583. Bonds**—The city council, for the purpose of realizing the funds for making such improvement and paying such damages may issue and sell special local improvement bonds which shall entitle the holder thereof to all sums realized upon and such assessment, or if deemed advisable, a series of two or more of said local improvement bonds against any one assessment, the principal and interest being payable at fixed dates out of the fund collected from such assessment including interest and penalties, and the whole of such fund is hereby pledged for the payment of said local improvement bonds and the interest thereon as they severally become due. Such local improvement bonds shall be payable to bearer with interest coupons attached, and the city council may by a five-sixths vote bind the city to make good deficiencies in the collection up to but not exceeding the principal and interest at the rate fixed by the city council upon such local improvement bonds which shall not exceed five (5) per cent. per annum. If the city, because of any such guarantee, shall redeem any local improvement bonds, it shall thereupon be subrogated to the holder's rights. For the purpose of such guarantee, penalties collected shall be credited upon deficiencies of principal and

interest before the city shall be liable. Such local improvement bonds shall be sold at public sale at not less than the par value. ('13 c. 295 § 3) [1604]

**1584. To what cities applicable—To supplement charter**—This act shall apply to all cities operating under charters adopted in pursuance of section 36 of article 4 of the constitution of Minnesota. The provisions of this act are not intended to and shall not be construed to repeal or abrogate any of the provisions of such charter but are intended to be supplementary to said charter and as conferring additional power upon said cities which may be exercised at their option. The cities' liabilities upon such guarantee shall not be taken into account as part of its indebtedness until the amount of such deficiency or collection defined as aforesaid is determined and only for the amount of such deficiency. ('13 c. 295 § 4) [1605]

**1585. Supply of ice—Powers of water commissioners**—In any city of this state now or hereafter having over fifty thousand inhabitants, the board of water commissioners thereof, in addition to all the powers now possessed by such board under any general or special law or under the charter of such city, shall have and possess the power to engage in the manufacture, gathering and purchase of ice, and the sale and distribution thereof to such city and to the several boards and departments thereof and to the inhabitants of such city, and to acquire the necessary land, buildings, machinery and equipment for such purpose. ('13 c. 305 § 1) [1606]

**1586. Eminent domain**—For the purpose of acquiring land, storage plants, side-tracks, spur-tracks, and other rights in real property, necessary or convenient for the manufacture, gathering, storage or distribution of ice, any such city may exercise the power of eminent domain under and in pursuance of chapter 41, Revised Laws of 1905 and acts amendatory thereof and supplementary thereto, either within or without the corporate limits of such city. ('13 c. 305 § 2) [1607]

**1587. Bonds**—To provide a fund for the establishment and maintenance of such ice plant, any such city is hereby authorized and empowered, acting by and through the common council or city council of such city, upon request of the board of water commissioners of such city, to issue the bonds of such city from time to time in such sums as may be deemed necessary, not, however, exceeding in the aggregate two hundred fifty thousand dollars (\$250,000) par value. Said bonds may be issued and sold by any such city notwithstanding any limitation contained in the charter of such city or in the laws of this state prescribing or fixing any limit upon the bonded indebtedness of such city, but the full faith and credit of any such city shall at all times be pledged for the payment of any bonds issued under this act and for the current interest thereof, and the common council or city council of such city shall each year include in the tax levy for such city a sufficient amount to provide for the payment of such interest and for the accumulation of a suitable sinking fund for the redemption of such bonds at their maturity, in case the revenues derived from the sale of ice prove insufficient for that purpose. No bonds shall be issued hereunder by any such city for the purpose herein authorized, to run for a longer period than thirty years or bearing a higher rate of interest than five per cent per annum, but the place of payment of the principal and interest thereon and the denominations in which the same shall be issued shall be such as may be prescribed by the common council or city council, and may be in the form of coupon bonds or registered certificates, so-called. All such bonds shall be signed by the mayor, attested by the city clerk, and countersigned by the comptroller, and

shall be sealed with the seal of such city; provided, that the signatures to the coupons attached to such bonds, if any, may be lithographed thereon, and none of said bonds shall be sold at less than their par value and accrued interest, and then only to the highest responsible bidder therefor. When said bonds or any of them are issued and sold, it shall be the duty of the board of water commissioners to make suitable provision from the revenues of said ice plant for the prompt payment of all current interest on said bonds as the same accrues and for the redemption of said bonds at their maturity. ('13 c. 305 § 3) [1608]

**1588. Prices for ice—Duties of commissioners—**The said board of water commissioners shall establish such prices for ice as will at all times insure a sufficient income to pay the interest and to provide a fund to pay the principal upon all the bonds to be issued under this act, as well as to pay all the expenses and cost of the maintenance and repairs of said ice plant and other expenses of operation and equipment. ('13 c. 305 § 4) [1609]

**1589. To what cities applicable—**This act shall also apply to cities existing under a charter framed pursuant to section 36, article 4 of the constitution. ('13 c. 305 § 5) [1610]

**1590. Art commission—**The council of any city of the first class may establish by ordinance a city art commission, of five resident members, to be appointed by the mayor, one each from lists, of three persons each, presented to him as follows: One by the oldest incorporated society of fine arts, or other similar body, of the city, one by the library board thereof, and one by the park board. The other two shall be selected, one from the resident painters, sculptors, and architects, and one from the citizens generally. If any such list be not submitted within thirty days after request so to do from the mayor, he shall appoint without such recommendation. The terms of members shall begin January 1 next after appointment. The first board shall serve for one, two, three, four, and five years, respectively, as designated by the mayor, and thereafter the term of each shall be five years, and until his successor qualifies. Vacancies shall be filled for the unexpired terms by like appointments. After such commission is established, the city shall acquire no work of art, nor shall any such work be placed in any public place therein, unless the design and location thereof be by such commission approved; neither shall any work of art possessed by the city be removed, replaced, or altered without such approval. The mayor or council may request such commission to pass upon the design of any municipal building, bridge, approach, gate, fence, lamp, or other structure to be erected upon any public ground of the city, and upon any proposed grading, platting, or laying out of public grounds or ways; and in such cases the decisions of the commission shall be binding, and shall be obeyed. If the commission shall fail to decide upon any matter within sixty days after such request, its decision may be dispensed with, and in cases of emergency the mayor or council may prescribe a shorter time. The term "work of art," as used herein, shall embrace all paintings, mural decorations, stained glass, statues, bas-reliefs or other sculptures, monuments, fountains, arches, gates, and other permanent structures for ornament or commemoration. Nothing herein shall apply to any building or grounds owned by the state, or require any library or park board to accept any work of art to be displayed upon property under its control. (764) [1611]

**1591. Library board may extend privileges to counties and villages—**Any public library board in any city of this state having a population of fifty thou-

sand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, may enter into arrangement with the authorities of the county within which it is located, or with the authorities of any adjoining county, or with the authorities of any village within any such county, whereby the inhabitants of any such county, counties or villages, may secure the privileges of using the library and museums of any such library board, and the authorities of any such county, counties or villages are hereby authorized to defray the expenses any such arrangement may involve. ('07 c. 289 § 1) [1619]

**1592. One mill tax for library board—**There may be annually levied by, or for the benefit of any public library board in any city of this state, having a population of fifty thousand inhabitants or over, whether such board was created by and under the General Laws or by special act of the legislature, a tax of not to exceed one mill upon each dollar of the property in such city, as the value of such property has been assessed and determined for the purposes of general taxation. ('07 c. 289 § 2) [1620]

**1593. Acquisition of auditoriums—Definitions—**For the purposes of this act, the term "city council" shall apply to and include the city council, common council, or other chief governing body of the city. ('23 c. 21 § 1)

See '07 c. 57.

**1594. City councils may acquire auditoriums—**Each city of this state now or hereafter having a population of over fifty thousand inhabitants, including each such city of the first class now or hereafter having and operating under a home rule charter adopted under and pursuant to Section 36, Article 4, of the state constitution, in addition to all other powers now possessed by the city, shall have the power and authority and is hereby empowered and authorized to acquire the land necessary for and to construct, erect, maintain, own, operate and manage a public auditorium building in the city, suitable for the accommodation of large gatherings of people on public occasions, and for the maintenance of public baths and an athletic floor for the conduct of indoor public games, and for the use, convenience and benefit of the city and the inhabitants thereof, and to annually levy and collect the necessary taxes therefor, in addition to all other taxes authorized to be levied and collected by the city. ('23 c. 21 § 2)

Where an auditorium is no longer needed for municipal purposes it may be leased (137-179, 162+1073).

**1595. Property may be condemned—**The city council shall have the power and authority to acquire the land necessary for such public auditorium building by purchase, or by lease or by gift or by condemnation proceedings under the power of eminent domain. When such land is acquired by the city under the right of eminent domain, the condemnation proceedings for that purpose shall be commenced and conducted by the city council under and pursuant to the provisions of Chapter 41, Revised Laws of Minnesota 1905, and the acts of the legislature amendatory thereof and supplementary thereto.

The city, upon giving the notice required by Section 2528, Revised Laws of Minnesota 1905, may enter upon and appropriate the lands so condemned without the giving of any bonds, but in case of such entry and appropriation the city shall be bound absolutely to pay all damages awarded, whether by commissioners acting under such laws or by the court upon appeal from their award, together with all costs and expense adjudged against it in said proceedings, and the court shall issue a writ to the sheriff of the county to put the city in possession. In case the city shall take an

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appeal in any such proceedings it shall not be required to give or file any appeal bond. ('23 c. 21 § 3)

**1596. Councils to have full charge and control**—The city council of each such city shall have full charge and control of the construction, erection, maintenance, use, operation and management of such public auditorium building, and shall have power and authority to enter into and make all contracts necessary therefor, and to engage and secure necessary employes in the maintenance, care, operation and management of such auditorium building, and to fix their compensation. ('23 c. 21 § 4)

**1597. Bonds may be issued**—The city council of each such city is hereby further authorized and empowered, in addition to all other powers by it now possessed, from time to time as may be necessary, by resolution duly passed by an affirmative vote of a majority of all the members of the city council, to issue and sell municipal bonds of such city to an aggregate amount not exceeding \$3,000,000.00 for the purpose of aiding in defraying the cost of acquiring land for and constructing, erecting and equipping such public auditorium building in the city, said bonds or any part thereof may be sold upon two weeks' published notice of the sale thereof.

The bonds issued by any such city under this act for the purposes hereinbefore specified shall not run for a longer period than twenty years from their date, or bear a higher rate of interest than 5 per cent per annum, payable semi-annually.

The place of the payment of the principal and interest of such bonds and the denomination in which the same shall be issued and the rate of interest thereon shall be determined by the city council. All such bonds shall be signed by the mayor and countersigned by the city comptroller and attested by the city clerk, and shall be sealed with the seal of the city issuing the same, except that the signatures to the interest coupons attached thereto if any may be lithographed thereon. None of such bonds shall be sold for less than their par value and accrued interest, and then only to the highest responsible bidder therefor. ('23 c. 21 § 5)

**1598. Bonds in excess of charter limitations authorized**—The bonds hereby authorized or any part thereof may be issued and sold by each such city notwithstanding any limitation contained in the charter of said city or in any law of this state prescribing or fixing any limit upon the bonded indebtedness of the city, but the full faith and credit of such city shall at all times be pledged for the payment of any such bonds issued under this act and for the payment of the current interest thereon, and the city council of such city shall without fail annually levy a tax upon the assessable property in such city, in addition to all other taxes, sufficient in amount to provide for the payment of the interest on said bonds as it accrues and for the accumulation of a fund for the redemption of such bonds at their maturity. Such fund may be invested under the direction and with the approval of the city council in the bonds of the city issuing the same, or such bonds as are permitted for the investment of the permanent school fund of the state of Minnesota, or in the bonds of any city in the State of Minnesota having a population of five thousand or more, or in such county or school bonds in the state of Minnesota as may be approved by the city council. In case of the investment of said funds in the bonds of the city issuing the same, such bonds shall not be cancelled but shall be held by the city and the interest thereon paid over and applied to the increase of said fund.

Whenever the principal of any of the bonds issued by the city hereunder shall become due, the city coun-

cil shall dispose of as many of the bonds belonging to such fund, as with the money on hand belonging to said fund, shall be necessary to pay such bonds becoming due as aforesaid. The moneys, bonds and securities belonging to such fund shall not be used or diverted to any other purpose than for the payment of the bonds issued by the city under this act, and the interest thereon unless and until all bonds issued hereunder shall be fully paid and satisfied. Upon the full payment of all bonds issued under this act, any funds or securities remaining in said fund may be used by the city in payment of the bonded indebtedness of the city or for such public purposes as shall be determined by the city council. The amount of all such bonds issued by any such city under this act shall be exempt from and shall not be counted or included in the net indebtedness of the city or in any computation of the city's outstanding indebtedness for the purpose of determining the limit of the net bonded indebtedness of the city. ('23 c. 21 § 6)

**1599. Funds to be placed in city treasury**—The proceeds of all such bonds and the taxes levied and collected by the city council under this act, other than the taxes levied for the payment of the principal of said bonds and the interest thereon, and all moneys and revenues derived from such auditorium building and premises, shall be placed in the city treasury and credited to a fund to be known as the auditorium fund, and shall be used by the city only for the purposes specified in this act. ('23 c. 21 § 7)

**1600. Authorization by voters**—Before any such city shall issue or sell any bonds of the city under the provisions of this act the proposition to issue and sell such bonds shall first be submitted by the city council to the qualified electors of the city at a general or primary election or at a special election called by the city council for that purpose, and approved by a majority of the votes cast upon such proposition by the qualified voters of the city present and voting upon such proposition at such election. The city council may call such special election at any time, and shall make provisions for the submission of such proposition, upon a separate ballot, to the electors of the city at any general, primary or special election in the city, and shall cause at least fifteen (15) days posted notice to be given of such submission and election in each election district of the city. ('23 c. 21 § 8)

**1601. Destruction of garbage—Power to acquire plant**—That any city in the state of Minnesota, now or hereafter having a population of over fifty thousand, is hereby authorized and empowered to acquire by purchase or condemnation, lands on which to erect plants for the destruction of garbage and other refuse matter; also to purchase, erect, operate and maintain such plants for the destruction of garbage and other refuse matter, also to provide for the collection of all such garbage or refuse matter and delivering the same to such destruction plants or other places, and to pay and contract to pay for the same in such annual installments and at such a rate of interest on deferred payments as the common council of such city may determine. Provided that each and every act and thing herein authorized shall receive at least a three-fourths vote of all members of such common council before the same shall be effective for any purpose. ('05 c. 121 § 1) [1627]

**1602. Limit of indebtedness—Tax estimates, etc.**—The obligations incurred by any such city in the making of any such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter, or of any law of this state fixing the limit of amount of indebtedness for such city; nor shall such city be required at any time before making,

or during the life of such contracts to have specifically provided for the same by previous tax estimates or levy, or to provide for or have on hand in its treasury more money applicable to such contracts than the amount to be paid thereon during a single year ('05 c. 121 § 2) [1628]

**1603. Destruction or removal of rubbish in cities not under home rule charters**—In each city in the state of Minnesota now or hereafter having more than fifty thousand (50,000) inhabitants every person and corporation shall by the tenth day of May of each year destroy or remove all rubbish on all lots or lands within such city which he or they may own or control or occupy. ('13 c. 288 § 1) [1629]

**1604. Duty of street commissioner—Notice**—If the occupant or owner of any such lots or lands shall fail to so destroy or remove such rubbish as so required after having six days' notice in writing by the street commissioner of his ward such occupant or owner shall be reported by said commissioner as delinquent and a tax be levied against such lots and lands as hereinafter provided. ('13 c. 288 § 2) [1630]

**1605. Notice to corporation**—Whenever it shall become necessary to serve notice as provided in section two (2) of this act upon any manufacturing or other corporation owning or controlling any lots or lands in such city, such notice if served upon any agent of such corporation residing or being in such city shall be deemed good and sufficient notice and if no such agent shall reside or be in such city, then such notice may be served upon any agent of such corporation at its general place of doing business in this state and if such owner of vacant lots or lands is a non-resident by mailing the same to any such owner or agent. ('13 c. 288 § 3) [1631]

**1606. Same—Service of notice**—It shall be the duty of the street commissioner of each ward of such city to serve or cause to be served the notice referred to in section two (2) of this act upon the proper person or persons, in their respective wards of such city as the case may require. ('13 c. 288 § 4) [1632]

**1607. Destruction or removal by commissioner—Cost—Tax**—The said street commissioner shall carefully inquire concerning the existence of rubbish on the lots or lands in his ward, and in case any person, persons or corporation owning, occupying or controlling any lots or lands in his ward shall neglect after such notice to destroy or remove such rubbish, it shall be the duty of such street commissioner to destroy or remove or cause to be destroyed or removed all such rubbish upon such lots or lands. The cost thereof in the first instance shall be paid out of the ward fund of the particular ward in which the said rubbish is found, and thereupon the street commissioner of said ward shall report, under oath, to the city council or other governing body the amount so expended, specifying the separate items thereof and the lot or parcel of land upon which the service was performed and the amount thereof shall thereupon be levied by the city council as a tax against the said lot or parcel of land. Said tax, when collected, shall be placed in the city treasury to the credit of the ward fund from which such cost of removal of rubbish has been paid. ('13 c. 288 § 5) [1633]

**1608. City chemist in cities under home rule charters—Assistants**—In all cities of this state now or hereafter having over 50,000 inhabitants, the mayor of such city shall have the power and authority to appoint one city chemist and not exceeding six assistants to such city chemist. ('11 c. 64, amended '13 c. 250 § 1) [1634]

By 1913 c. 250 § 4, the act applies only to cities governed by a charter adopted under Const. art. 4 § 36. See 1911 c. 104.

**1609. Powers and duties**—The said city chemist and his assistants shall have power and authority to make inspection of all gas, gas plants, gas meters, electric light plants, electric lights, electric, heat and water meters, lights for public and street lighting purposes, whether the same be connected with a plant owned by such city or owned or operated by any person, corporation or association in said city. The said city chemist and his assistants shall also, when directed by the mayor, commissioner of public works, board of public works or common council of said city, inspect, analyze, and report upon all cement, cement work and paving material and all stone, wood and timber used or to be used in the erection and construction of any public building or structure or in the laying, making or repair of any public walk or in the paving of any street or in any other public work whatsoever, and shall also inspect, analyze and report to the mayor of said city or to the common council, as directed, upon the quality and sufficiency of the fuel, oils, gasoline, paints or other material or commodity used or to be purchased and used by said city, and perform such other duties and undertake such investigation and researches as may be required by the mayor or the common council. ('11 c. 64, amended '13 c. 250 § 2) [1635]

**1610. Salaries**—The said city chemist shall receive as compensation for his services the sum of twenty-five hundred (\$2,500) dollars per year; his first and second assistants, the sum of not to exceed twelve hundred (\$1,200) dollars per year, each; three other assistants, the sum of not to exceed one thousand (\$1,000) dollars per year, each; and one assistant at not to exceed nine hundred (\$900) dollars per year. Not exceeding two of the assistants receiving one thousand (\$1,000) dollars per year, shall receive an additional salary of not to exceed thirty (\$30.00) dollars per month, provided that, if employed as inspectors of street lighting, they shall provide themselves with horses and buggies or other equally effective means of transportation for use in such inspection. ('11 c. 64, amended '13 c. 250 § 3) [1636]

**1611. Effect of charter amendment to take effect subsequently**—This act shall be in force and in effect from and after its passage, but if by virtue of any law, charter amendment, or charter heretofore enacted to take effect in the future, said chapter 64 of the Laws of 1911, [1634-1637] shall cease to be operative because superseded by such law or charter, this amendment shall not in any such case be construed to continue said chapter 64 in force beyond the time when it would otherwise cease to be operative by reason of such law, charter amendment or charter. ('11 c. 64, amended '13 c. 250 § 5) [1637]

**1612. Expenditure for publicity—Publicity board**—That any city in this state now or hereafter having a population of over fifty thousand inhabitants, in addition to all the powers now possessed by any such city, shall have, and is hereby granted, the power and authority to levy taxes therefor, and to expend money for city publicity purposes, not exceeding, however, in any one year an amount equal to a tax of one-tenth of one mill upon the dollar of the assessed valuation thereof upon all the taxable property of such city, the same to be expended in such manner and for such city publicity purposes as the common council shall direct, and the common council of any such city may establish and provide for a publicity board or bureau to administer such fund, subject to such conditions and limitations as the common council shall by ordinance prescribe. Provided that any moneys already raised by taxation for this purpose and not expended therefor, although not then authorized by law, shall also be applicable to

the uses provided for by this act. ('11 c. 111 § 1) [1638]

1613. Same—To what cities applicable—This act shall apply to all such cities governed by a charter adopted pursuant to section 36, article 4 of the constitution of this state. ('11 c. 111 § 2) [1639]

1614. Height of buildings in cities regulated—That for the purpose of promoting the public health safety, order, convenience, prosperity and general welfare, any city in the State of Minnesota now or hereafter having 50,000 inhabitants or over, acting by and through the governing body of such city, may by ordinance regulate the location, size and use of buildings, the height of buildings, the arrangement of buildings on lots, and the density of population therein, may make different regulations for different districts thereof, and may acquire or prepare and adopt a comprehensive city plan for such city or any portion thereof for the future physical development and improvement of the city, in accordance with the regulations made as aforesaid, and may thereafter alter said regulations or plan, such alterations, however, to be made only after two-thirds of the property owners within the 100 feet of the real estate affected acquiesced therein and after the affirmative vote in favor thereof of two-thirds of the members of the governing body of such city. ('21 c. 217 § 1, amended '23 c. 364 § 1)

1615. May pass ordinances for enforcement—The governing body of any such city is hereby authorized to pass ordinances for the enforcement of the provisions of this act and of the regulations of such governing body under this act, and to provide, in and by such ordinances, penalties for violation thereof. Such governing body is also hereby authorized to enforce its regulations under this act by mandamus, injunction or any other appropriate remedy in any court having jurisdiction thereof. ('23 c. 364 § 2)

1616. In addition to existing powers—In any such city having a city planning commission, the provisions of this act shall be construed as an addition to existing powers and not as an amendment to or repeal thereof, and the governing body may adopt a plan or plans prepared by such city planning commission. ('23 c. 364 § 3)

1617. Not to apply to certain cities—This act shall also apply to any city of the first class in the state operating under a home rule charter adopted pursuant to Section 36, Article 4, of the state constitution. ('23 c. 364 § 4)

1618. Restricted districts—Any city of the first class may, through its council, upon petition of fifty (50) per cent of the owners of the real estate in the district sought to be affected, designate and establish by proceedings hereunder restricted residence districts within its limits wherein no building or other structure shall thereafter be erected, altered or repaired for any of the following purposes, to-wit: hotel, restaurants, eating houses, mercantile business, stores, factories, warehouses, printing establishments, tailor shops, coal yards, ice houses, blacksmith shops, repair shops, paint shops, bakeries, dyeing, cleaning and laundering establishments, bill-boards and other advertising devices, public garages, public stables, apartment houses, tenement houses, flat buildings, any other building or structure for purposes similar to the foregoing. Public garages and public stables shall include those, and only those, operated for gain.

Nothing herein contained shall be construed to exclude double residences or duplex houses, so-called, schools, churches, or signs advertising for rent or sale the property only on which they are placed.

No building or structure erected after the creation of such district shall be used for any purpose for which

its erection shall be prohibited hereunder.

The term "council" in this act shall mean the chief governing body of the city by whatever named called.

Any district or any portion thereof created under the provisions of this act may be vacated and the restrictions thereon removed by the council upon petition of 50 per cent of the owners of the real estate in the original district sought to be vacated in the same manner herein provided for the creation of any such district; and in the vacation of any such district or any portion thereof and the removal of such restrictions each and all of the provisions of this act as to allowance of damages and benefits to property affected and as to the appointment of commissioners to appraise such damages and benefits and the duties of such commissioners, of the city clerk and of each and all of the other officers upon whom duties are herein imposed shall be complied with, and when such proceedings for the vacation of any such district or portion thereof shall have been completed the property included within such district or portion thereof so vacated shall be deemed relieved of each and all of the restrictions imposed in the proceeding creating such district. ('15 c. 128 § 1; amended '23 c. 133 § 1)

(190+180).

1619. Council given power of eminent domain—The council shall first designate the restricted residence district, and shall have power to acquire by eminent domain the right to exercise the powers granted by this act by proceedings hereinafter defined, and when such proceedings shall have been completed the right to exercise such powers shall be vested in the city. ('15 c. 128 § 2)

1620. Appraisal of damage—The council shall appoint five appraisers who shall be disinterested qualified voters of the city, and none of whom shall be a resident of the ward or wards in which any part of the district so designated is situate, to view the premises and appraise the damages which may be occasioned by the establishment of such restricted residence district and by the exercise by the city of the powers herein granted.

Said appraisers shall be notified as soon as practicable by the city clerk, as the case may be, to attend at a time fixed by him, for the purpose of qualifying and entering upon their duties. Whenever a vacancy may occur among said appraisers by neglect or refusal of any of them to act or otherwise, such vacancy shall be filled by the council.

Second. The appraisers shall be sworn to discharge their duty as appraisers in the matter with impartiality and fidelity; and to make due return of their acts to the council.

Third. The appraisers shall give notice, by publication in the official newspaper of the city, once a week for two consecutive weeks, which last publication shall be at least ten days before the day of such meeting, which notice shall contain a general description of the lands designated by the council, and give notice that a plat of the same has been filed in the office of the city clerk, and that said appraisers will meet at a place and time designated in the notice, and thence proceed to view the premises and appraise the damages which may be occasioned by the establishment of such restricted residence district and by the exercise by the city of the powers herein granted, and to assess benefits in the manner hereinafter specified.

Fourth. The city clerk shall, after the first publication of such notice, and at least six days (Sundays excluded) prior to the meeting specified in said notice, serve upon each person in whose name each tract or parcel of said land is then assessed, a copy of said notice by depositing the same in the postoffice of said

1614-1615  
171m 231  
213nw 907  
31 — 163  
176m 151  
233nw 831  
1014  
35 Fed.  
(2d Ed.)  
657  
1014  
29 — 340  
222nw 639  
9917  
17 — 137  
23 — 215  
25 — 122  
25 — 284  
25 — 313  
153-M 285  
153-M 519  
190-NW 179  
190-NW 979  
199-NW 100  
23-G.S. 1569

1614  
— 364  
1-M 236  
13-NW 907

1614  
59-M 478

1614  
4-M 146  
4-NW 569

1618  
29 — 389  
1010  
53-M 518  
190-NW 979

1618-21  
7-M 453  
9-NW 323

1618-20  
31 — 290

city, with postage prepaid, directed to such person at his place of residence, if known to the city clerk, but if not known, then to his place of residence as given in the last published city directory of said city, if his name appears therein.

After the first publication of said notice, and at least six days (Sunday excluded) prior to the meeting specified in said notice, a copy of the same shall also be served upon the person in possession of each of said tracts or parcels of land, or some part thereof, if the same be actually occupied, in the same manner as provided for the service of summons in a civil action in the district court. A copy of all subsequent notices relating to said proceedings which are required to be published, shall be mailed by said clerk in the manner above specified, immediately after the first publication thereof, to such persons as shall have appeared in said proceedings and requested in writing that such notice be mailed to them.

Fifth. At the time and place mentioned in the notice, the said appraisers shall meet and thence proceed to view the premises, and may hear the evidence or proof offered by the parties interested, and may adjourn from time to time for the purposes aforesaid. When their view and hearing shall be concluded they shall determine the amount of damages, if any, suffered by each piece or parcel of land of which each piece or parcel of land in the district is a part. They shall also determine the amount of benefits, if any, to each such piece or parcel of land. If the damages exceed the benefits to any particular piece, the excess shall be awarded as damages. If the benefits exceed the damages to any particular piece, the difference shall be assessed as benefits, but the costs of the proceedings, including printers' fees, appraisers' fees, cost of serving notices and other expenses, shall be added to the amount to be assessed. The total assessments for benefits, however, shall not be greater than the aggregate net award of damages, including the costs of the proceedings as above provided; and in every case the benefits assessed upon the several parcels shall be in proportion to the actual benefits received, and no assessment upon any particular piece shall exceed the amount of actual benefits after deducting the damages, if any. (Amended '19 c. 297)

151-115, 186+292.

Sixth. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate less than an estate in fee, the injury or damage done to such persons or interests respectively may be awarded to them separately by the appraisers. Provided, that neither such award of the appraisers, nor the confirmation thereof by the council shall be deemed to require the payment of such damages to the person or persons named in such award in case it shall transpire that such person or persons are not entitled to receive the same.

Seventh. The said appraisers having ascertained and appraised the damages and benefits as aforesaid, shall make and file with the city clerk a written report of their action in the premises, embracing a schedule and appraisal of the damages awarded and benefits assessed, with descriptions of the lands, and the names of the owners, if known to them and also a statement of the costs of the proceedings.

Eighth. Upon such report being filed, the city clerk shall give notice that such appraisal has been returned, and that the same will be considered by the council at a meeting thereof to be named in the notice, which notice shall be published in the official newspaper of said city, once a week for two consecutive weeks, and the last publication shall be at least 10 days before such meeting. The council upon the day

fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion to confirm, revise or annul the appraisal and assessment, giving due consideration to any objections interposed by parties interested in the manner herein-after specified, provided that said council shall not have the power to reduce the amount of any award, nor increase any assessment. In case the appraisal and assessment is annulled, the council may thereupon appoint new appraisers, who shall proceed, in like manner, as in case of the first appraisal, and upon the coming in of their report, the council shall proceed in a like manner and with the same powers as in the case of the first appraisal.

Ninth. If not annulled or set aside, such awards shall be final, and shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. Such assessments shall be and remain a lien and charge upon the respective lands until paid. The awards shall be paid to the persons entitled thereto, or shall be deposited and set apart in the treasury of the city for the use of the parties entitled thereto, within six months after the confirmation of the appraisal and award. But in case any appeal or appeals shall be taken from the order confirming said appraisal and assessment, as hereinafter provided, then the time for payment of said awards shall be extended until and including sixty days after the final determination of all appeals taken in the proceeding, and in case of any change in the awards or assessments upon appeal, the council may, by resolution duly adopted, at any time within sixty days after the determination of all appeals, set aside the entire proceeding. Any awards so set aside shall not be paid, and the proceedings as to the tracts for which the awards are so set aside shall be deemed abandoned. Any awards not so set aside shall be a charge upon the city, for the payment of which the credit of the city shall be pledged. All awards shall bear interest at the rate of six percent per annum from the time of the filing of the original appraisers' report and all subsequent awards and awards upon appeal shall be made as of the day and date of filing of such original reports.

Tenth. Upon the conclusion of the proceedings and the payment of the awards, the several tracts of lands shall be deemed to be taken and appropriated for the purpose of this act, and the right above specified shall vest absolutely in the city in which the lands are situate. In case the council shall in any case be unable to determine to whom the damages should in any particular case be paid, or in case of adverse claim in relation thereto, or in case of the legal disability of any person interested, the council shall, and in any and every case, the council may in its discretion deposit the amount of damages with the district court of the county in which such lands are situate, for the use of the parties entitled thereto, and the court shall, upon the application of any person interested and upon such notice as the court shall prescribe, determine who is entitled to the award, and shall order the same paid accordingly. Any such deposit shall have the same effect as the payment to the proper persons.

Eleventh. Any owner of land within said district who deems that there is any irregularity in the proceedings of said council, or action of the appraisers, by reason of which the award of the appraisers ought not to be confirmed, or who is dissatisfied, with the amount of damages awarded, to him or the assessment thereon, may at any time before the time specified for the consideration of the award and assessment by the council, file with the city clerk, in writing, his objections to such confirmation, setting forth therein spe-

cifically the particular irregularities complained of, and the particular objection to the award or assessment, and containing a description of the property in which he is interested, affected by such proceedings and his interest therein, and if, notwithstanding such objections the said council shall confirm the award, or assessment, such person so objecting shall have the right to appeal from such order of confirmation of the council to the district court of the county where such land is situate, within twenty days after such order. Such appeals shall be made by serving a written notice of appeal upon the city clerk which shall specify the property of the appellant affected by such award and refer to the objection filed as aforesaid, thereupon said city clerk, at the expense of the appellant, shall make out and transmit to the clerk of the district court a copy of the record of the entire proceedings, and of the award of the appraisers as confirmed by the council and of the order of the council confirming the same, and of the objections filed by the appellant, as aforesaid, and of the notice of appeal, all certified by said city clerk to be true copies, within ten days after the taking of such appeal. But if more than one appeal be taken from any award, it shall not be necessary that the city clerk in appeals subsequent to the first, shall send up anything but a certified copy of the appellant's objections. There shall be no pleading on any appeal, but the court shall determine in the first instance whether there was in the proceedings any such irregularity or omission of duty prejudicial to the appellant and specified in his written objection that as to him the award or assessment of the appraisers ought not to stand, and whether said appraisers had jurisdiction to take action in the premises.

Twelfth. The case may be brought on for hearing on eight days' notice, at any general or special term of the court, and the judgment of the court shall be to confirm or annul the proceedings, only so far as the said proceedings affect the property of the appellant proposed to be included in said district or damaged or assessed, and described in said written objection. In case the amount of damages or benefits assessed is complained of by such appellant, the court shall, if the proceedings be confirmed in other respects, appoint three disinterested qualified voters, appraisers to re-appraise said damages, and reassess benefits as to the property of appellant. The parties to such appeal shall be heard by said court upon the appointment of such appraisers, and the court shall fix the time and place of meeting of such appraisers, they shall be sworn to the faithful discharge of their duties as such appraisers, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of damages or benefits; such appraisers shall be governed by the same provisions in respect to the method of arriving at the amount of damages or benefits and in all other material respects as are in this chapter made for the government of appraisers appointed by said council. They shall, after the hearing and view of the premises, make a report to said court of their award of damages and assessment of benefits in respect to the property of such appellant. The award shall be final unless set aside by the court. The motion to set aside shall be made within fifteen days. In case such report is set aside, the court may, in its discretion, recommit the same to the same appraisers, or appoint new appraisers as it shall deem best; said court shall allow to said appraisers a reasonable compensation for their services, and make such award of costs on such appeal, including the compensation of such appraisers as it shall deem just in the premises, and enforce the same by execution. In case the court

shall be of the opinion that such appeal was frivolous or vexatious, it may adjudge double costs against such appellant. An appeal may be taken to the supreme court of the state from any final decision of the district court in said proceedings. ('15 c. 128 § 3; amendments indicated')

**1621. Maps and plats of restricted districts to be made**—As soon as such condemnation proceedings have been completed, it shall be the duty of such council to cause maps or plats of such restricted residence district to be made, with a list of the parcels of land within such district, and to file one of such maps and list duly certified by the president of the council and the city clerk, in each of the following offices, to-wit, the office of the city engineer, the office of the register of deeds of the county and the office of the city clerk, and the same shall be prima facie evidence of the full and complete condemnation and establishment of said restricted residence district. As soon as the assessments are confirmed, the city clerk, or the clerk of the district court, as the case may be, shall transmit a copy thereof duly certified, to the county auditor of the county in which the lands lie. The county auditor shall include the same in the next general tax list for the collection of state, county and city taxes, against the several tracts or parcels of land, and said assessments shall be collected with and as a part of, and shall be subject to the same penalties, costs and interest, as the general taxes. Such assessments shall be set down in the tax books in an appropriate column to be headed "Restricted Residence District Assessments," and when collected a separate account thereof shall be kept by the county auditor, and the same shall be transmitted to the treasurer of the city, and placed to the credit of the proper fund. ('15 c. 128 § 4)

**1622. Power to enact ordinances for enforcement of rights given to council**—The council shall have the power to enact ordinances for the enforcement of the rights which shall be acquired under this act, and to fix penalties for their violation, including a fine not exceeding one hundred dollars (\$100) or confinement in the city workhouse not exceeding ninety (90) days. Violations of the ordinances may be prosecuted in the municipal court of the city. ('15 c. 128 § 5)

**1623.—Buildings declared a nuisance**—Any building or structure erected, altered, repaired or used in violation of this act or any ordinance passed under it, shall be deemed a nuisance and may be abated at the suit of the city in a civil action. The city may maintain actions for injunction to prevent violation of the act and of the ordinances passed in pursuance hereof. Owners of land and others interested in land within the district may also maintain similar actions of abatement and for injunction. ('15 c. 128 § 6)

**1624. Application**—This act shall also apply to cities existing under a charter framed pursuant to Section 36, Article IV of the Constitution of the State of Minnesota. ('15 c. 128 § 7)

**1625. Sale of bonds below par—Cities may sell bonds below par in certain cases**—Each city of this state now or hereafter having over fifty thousand inhabitants, in addition to all other powers and authorities possessed by the city, is hereby authorized and shall have power and authority, acting by and through its city council, or other chief governing body of the city, to sell to the highest responsible bidder or bidders therefor for cash, for the par value thereof or for less than the par value thereof, any special certificates of indebtedness or any special street or parkway improvement bonds which the city is or shall be authorized by its charter or by any law of this state to issue and sell for the purpose of realizing funds for the acquisition of lands for and improvement of public streets, parks



or parkways in the city, or for the purpose of improving existing public streets, parks, or parkways in the city, notwithstanding any provision of the charter of the city or any provision of any law of this state providing for the sale of any such certificates of indebtedness or special street or parkway bonds at not less than their par value. Such special certificates of indebtedness and special bonds may be made to bear interest not to exceed 5 per cent per annum, payable annually or semi-annually, such rate of interest to be fixed and determined by the city council or chief governing body of the city issuing the same, and such certificates of indebtedness and special bonds shall be sold only at public sale or by sealed proposals upon giving at least two weeks' published notice of any such sale. ('21 c. 226 § 1)

1626. Application—This act shall apply to all cities of the first class, including cities of over 50,000 inhabitants existing and governed under a charter framed and adopted under section 36, article 4, of the state constitution. ('21 c. 226 § 2)

1627. Operation of flying machines—No person shall hereafter operate or cause to be operated any heavier than air flying machine or any aircraft of any kind or description over any city of the first class within this state except as hereinafter provided. ('21 c. 433 § 1)

1628. Altitude—It shall be unlawful to operate or cause to be operated any aircraft at a lower altitude than two thousand feet above any such city and all exhibition flights over any such city which include trick flying or aerial acrobatics are hereby prohibited. ('21 c. 433 § 2)

1629. Location of landing field—No landing field for aircraft shall be established within one thousand feet of any public school or other educational institution wherein pupils under the age of sixteen years are enrolled, provided, however, that this act shall not apply to any property which is now being utilized for the purpose of a flying field. ('21 c. 433 § 3)

1630. Violations—Penalties—Any violation of this act shall be a misdemeanor and shall be punishable by a fine of not to exceed one hundred dollars or imprisonment in the county jail for a period not to exceed sixty days or by both. ('21 c. 433 § 4)

LAWS AFFECTING CITIES OF THE FIRST CLASS

See '07 c. 55 authorizing cities of the first class to maintain auditorium buildings. The power granted here has been extended by Laws 1923.

Park Commissioners authorized to accept gifts, parks, museums, galleries or schools of art and crafts ('11 c. 95). Cities of the first class operating under home rule charter may issue certificates in anticipation of payment of sprinkling fund assessments ('11 c. 152). Cities of the first class operating under home rule charter may make appropriations to care for private scientific and art collections of private corporations which are open to public ('13 c. 32). Salary of librarian of public library in cities of first class operating under home rule charter, '310 ('13 c. 199). Cities of the first class operating under home rule charter may accept gifts for free dispensaries and libraries ('13 c. 232; '15 c. 183). Bonds in excess of charter limitation ('15 c. 53). Franchises for street railways in cities of first class not operating under home rule charter ('15 c. 124). Regulation of parks and parkways in cities of the first class not operating under home rule charter ('15 c. 132). One tenth of one mill additional tax for monument to soldiers of civil war in cities of first class operating under home rule charter ('15 c. 146). Composition of board of park commissioners ('15 c. 166). Tax levy for current expense in cities not operating under home rule charter ('15 c. 186). City not operating under home rule charter authorized to dispose of bonds at private sale ('15 c. 204). Hospital bond issue in city of first class not operating under home rule charter ('15 c. 205). Local improvement bond issue in city not operating under home rule charter ('15 c. 206). Bridge bond issue in city not operating under home rule charter ('15 c. 207). Sewer bonds in city not operating under home rule charter ('15 c. 214). Municipal forests in city under home rule charter ('15 c. 217). Water works bonds in city not operating under home rule charter ('15 c. 220). Short time loans for current expenses

of city not operating under home rule charter ('15 c. 221). Tax for playgrounds in city of the first class not operating under home rule charter ('15 c. 230). Tax for ornamental shade trees in city not operating under home rule charter ('15 c. 231). Park bonds in city not operating under home rule charter ('15 c. 232). Transportation of garbage contracts in city not operating under home rule charter ('15 c. 255). School bonds in city not operating under home rule charter ('15 c. 266). Drainage of low lands by cities not operating under home rule charter ('15 c. 275). Park commissioners in cities not operating under home rule charter ('15 c. 277). Bonds for incinerators at crematory plants in cities not operating under home rule charter ('15 c. 289). Leasing of streets and alleys in cities not operating under home rule charter ('15 c. 291). Use of road fund for paving in cities not operating under home rule charter ('15 c. 328). Bond issue for arching or covering creeks in cities not operating under home rule charter ('15 c. 340). Assessments for oil sprinkling on land fronting on parkways in cities not operating under home rule charter ('15 c. 361). Transfer of moneys to sinking fund in cities not operating under home rule charter ('17 c. 78). Regulation of hours of firemen in cities not operating under home rule charter ('17 c. 91). Hospital bonds in cities not operating under home rule charter ('17 c. 93). Cemeteries in cities not operating under home rule charter ('17 c. 95). Park bond issue in cities not operating under home rule charter ('17 c. 99). Sinking fund for bonds in cities not operating under home rule charter ('17 c. 100). Municipal bath bonds in cities not operating under home rule charter ('17 c. 102). Acquisition of lands for park purposes in cities not operating under home rule charter ('17 c. 103; amended '23 c. 488). Paving, curb, gutter and sewer bonds in cities not operating under home rule charter ('17 c. 104). Transfer of funds in treasury of city not operating under home rule charter ('17 c. 105). Housing act of city not operating under home rule charter ('17 c. 137). Extension of powers of school board in city operating under home rule charter ('17 c. 166). Refunding by city not operating under home rule charter of money advanced for improvements ('17 c. 189). Pensions for disabled firemen ('17 c. 196). Taxes for paving arterial streets in cities not operating under home rule charter ('17 c. 218). Park and playground bonds in city not operating under home rule charter ('17 c. 219). Bridge bonds in cities not operating under home rule charter ('17 c. 349). Armory bonds in cities not operating under home rule charter ('17 c. 369). School bonds in cities not operating under home rule charter ('17 c. 373). Bonds to care for flood waters in city not operating under home rule charter ('17 c. 379). Tax for park purpose in cities not operating under home rule charter ('17 c. 393). Bridge and viaduct bonds in cities operating under home rule charter ('17 c. 420). Boards of education in cities not operating under home rule charter ('17 c. 446). Salary of aldermen in cities not operating under home rule charter ('17 c. 460). Legalizing fire and police department bonds in cities not operating under home rule charter ('19 c. 3). Bridge and sewer bonds in cities not operating under home rule charter ('19 c. 6). Harvesting ice without permission in city not operating under home rule charter forbidden. ('19 c. 7). Employment of health nurses, ('19 c. 38). Sewer bonds in cities operating under home rule charter ('19 c. 41). Municipal bath bonds in cities not operating under home rule charter ('19 c. 50). Hospital tax in cities under home rule charter ('19 c. 58). Reimbursement of contractors for war losses in cities under home rule charter ('19 c. 59). Police and fire department relief association ('19 c. 68). Refunding bond issue in city not operating under home rule charter ('19 c. 124). City hall bond issue in city under home rule charter ('19 c. 132). Armory leases ('19 c. 135). Library board of city not under home rule charter authorized to accept gifts ('19 c. 148). Bridge bonds in city not operating under home rule charter authorized ('19 c. 196). Current tax levy in city not operating under home rule charter ('19 c. 212). Bonds in city not operating under home rule charter ('19 c. 215). Tax levy for playgrounds ('19 c. 220). Ward boundaries in cities not operating under home rule charter ('19 c. 221). Construction of curbs and gutters for park commissioners of city not operating under home rule charter ('19 c. 223). Elections in city not operating under home rule charter ('19 c. 226). Sale of water to adjacent municipality by city not operating under home rule charter ('19 c. 227). Boards of estimate and taxation in cities not operating under home rule charter ('19 c. 252). Taxes for school purposes in cities not operating under home rule charter ('19 c. 253). Hospital bonds in city not operating under home rule charter ('19 c. 274). Planning department in city not operating under home rule charter ('19 c. 292). Salary of assistant fire chief in city under home rule charter ('19 c. 309). Repeal laws authorizing bond issues in city not operating under home rule charter ('19 c. 325). Department of public welfare in city operating under home rule charter ('19 c. 327). Advertisement and disposition of lost property in city not operating under home rule charter ('19 c. 396). Public market bond issue in city not operating under home rule charter ('19 c. 402). Bureau of health, pension board in city operating under home rule charter ('19 c. 430). Bonds for expense of investigating feasibility of proposed park

1629 379  
1630 Note 64  
25 — 335  
630—NOTE  
5-NW 511  
1630 Note  
25 — 200  
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25 — 313  
53-M 125  
57-M 205  
95-NW 919  
00-NW 813  
3-G.S. 716  
3-G.S. 1569  
1630 Note  
27 — 62  
27 — 270  
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27 — 361  
1630N  
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173m 289  
174m 594  
218nw 119  
219nw 924  
1630N  
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in city not operating under home rule charter ('19 c. 433). Time of elections in city not operating under home rule charter ('19 c. 452). Bonds for arching creeks in city not operating under home rule charter ('19 c. 475). Park bonds in city not operating under home rule charter ('19 c. 516). Pensioning of employes in city not operating under home rule charter ('19 c. 522). Police pensions ('19 c. 523). Bond issue for comfort stations in cities not operating under home rule charter ('19 c. 524). Tax levy in city not operating under home rule charter (Ex. Sess. '19 c. 11). School taxes in city not operating under home rule charter (Ex. Sess. '19 c. 60). Refunding bonds in city not operating under home rule charter (Ex. Sess. '19 c. 61). Highways outside corporate limits ('21 c. 21). Notices of claims legalized ('21 c. 31). Bond elections legalized ('21 c. 32). Bond issues by independent school districts in cities of first class ('21 c. 49). Registration of voters ('21 c. 89). Supplying gas to adjacent municipalities ('21 c. 93). Awarding compensation on condemnation ('21 c. 219). Notices of claims legalized ('21 c. 245). Certificates of indebtedness for sewers ('21 c. 299). Additional tax for schools ('21 c. 332). Bonds for garbage incinerators ('21 c. 352). Erection of docks and wharves and bonds therefor ('21 c. 363). Granting use of park to State University ('21 c. 448). Proceedings and payments firemen's relief associations legalized ('21 c. 526). Park bonds ('23 c. 33). Waterworks bonds ('23 c. 36). Legalizing bonds for garbage incinerator ('23 c. 104). Legalizing school bonds ('23 c. 111). Bonds for public markets ('23 c. 212). Bond issue for contagious hospitals ('23 c. 223). Tax for playgrounds ('23 c. 267). Extension of waterworks to draw water from any river in the state ('23 c. 285). Compensation for injuries received in performance governmental duty ('23 c. 306). Annexation of territory ('23 c. 352). Disposal park property ('23 c. 415).

#### PROVISIONS RELATING TO CITIES OF SECOND CLASS

1631. **Public bath house**—That any city in the state of Minnesota at any time having twenty thousand and not more than fifty thousand inhabitants according to the last official promulgated state census, is hereby authorized and empowered to establish and maintain a public bath house and grounds and park in connection therewith and for that purpose to acquire by grant, gift, purchase, lease or otherwise, lands within or without the corporate limits of such city, including land on any island in any navigable river lying in close proximity to such city in this or adjoining state, and appropriate money therefor and for the maintenance thereof, whenever the common council of such city by a majority vote thereof, deems the same necessary or advisable. ('07 c. 22 § 1; amended '11 c. 53 § 1) [1640]

1632. **Board of directors**—When the common council of any such city shall have decided to establish and maintain a public bath house and grounds and park in connection therewith, under this act, the mayor of such city shall, with the approval of the common council, proceed to appoint a board of three directors for the same, choosing from the citizens at large, with reference to their fitness for such office, and not more than one member of the common council shall be at any time a member of said board; the president of the board of health and the president of the park board of such city shall be ex officio members of said board. ('07 c. 22 § 2) [1641]

1633. **Terms—Removal**—Said directors shall hold office, one for one year, one for two years, and one for three years from the first day of May following their appointment, and the mayor of such city appointing such board, shall designate the respective terms of each member so appointed, and annually thereafter, the mayor of said city shall, before the first of May, appoint as before one director to take the place of the retiring director who shall hold his office for three years and until his successor is appointed. The mayor of said city, may, by and with the consent of the common council, remove any director for misconduct or neglect of duty. ('07 c. 22 § 3) [1642]

1634. **Vacancies—Compensation**—Vacancies in the board of directors occasioned by removal, resignation or otherwise, shall be reported to the common council and be filed in like manner as original appointments,

and no director shall receive compensation for services rendered as such. ('07 c. 22 § 4) [1643]

1635. **Duties and powers**—Said directors shall, immediately after appointment, file their written acceptance and meet and organize by the election of one of their number, president, and by the election of such other officer as they may deem necessary. They shall make and adopt such by-laws, rules and regulations for their own guidance and for the government of the bath house, grounds and park, or either of them as may be expedient, not inconsistent with this act, or any ordinance passed by the common council of such city. They shall have the control of the expenditures of all moneys collected and placed to the credit of the bath house fund, and of the construction of any bath house building or addition thereto, or the improvement of the grounds and park in connection therewith, and of the supervision, care and custody of the grounds, bath house and buildings constructed, leased or used in connection therewith, subject to the approval of the common council of such city. Provided, that all moneys received for such bath house and grounds shall be deposited in the treasury of said city to the credit of said bath house and grounds fund, and shall be kept separate and apart from the fund of such city, and shall be paid out only upon the properly authenticated voucher of the bath house board. Said board shall have the power to appoint a suitable person to take care of such bath house and grounds and necessary assistants and fix their compensation, and shall also have power to remove said appointees and shall in general carry out the spirit and intent of this act. ('07 c. 22 § 5) [1644]

1636. **Rules and regulations**—Every bath house, including the grounds and parks in connection therewith, established under this act, shall be subject to such reasonable rules and regulations as the bath house board may adopt not inconsistent with this act or any ordinance passed by the common council of such city in order to render the use of said bath house and grounds, or either of them, of the greatest benefit to the greatest number, and said board may exclude from the use of said bath house or grounds, or either of them, any and all persons who shall wilfully violate such rules. ('07 c. 22 § 6) [1645]

1637. **Annual report**—The said board of directors shall make on or before the first day of April of each year, an annual report to the common council of such city, stating the conditions of their trust on the first day of March of that year, the various sums of money received and the sources from which received and how such moneys have been expended and for what purposes, with such other statistics, information and suggestions as they may deem of general interest. ('07 c. 22 § 7) [1646]

1638. **Ordinances**—The common council of such city shall have power to pass ordinances for the control and regulation of such bath house, grounds and parks in connection therewith, fixing suitable penalties for the punishment of persons violating the same and for committing injury to such bath house, or grounds and park in connection therewith, or any shrub, plant or other property thereon or connected therewith. ('07 c. 22 § 8) [1647]

1639. **Gifts**—Any person desiring to make donations of money, personal property or real estate for the benefit of such bath house and grounds and park in connection therewith, or either, shall have the rights to vest the title to the money, property or real estate so donated in such city to be held and controlled by such board, subject to the direction and approval of the common council of such city according to the terms

of the deed, gift or device [devise] of such property. ('07 c. 22 § 9) [1648]

**1640. Free open air concerts**—That in all cities of this state having a population of not less than 20,000 and not more than 50,000, the city council shall have the power annually to raise by taxation and appropriate the sum of not more than fifteen hundred dollars to be expended under the direction of the city council of such city for the purpose of providing free open air concerts for the benefit of the people of such city. ('09 c. 155 § 1) [1649]

**1641. Regulation of smoke**—That the city council or other governing body of each city in this state which now has or hereafter may have 20,000 and not more than 50,000 inhabitants, is hereby authorized and empowered to enact and publish, and to provide penalties for the violation of, ordinances to regulate, control, prohibit and abate the issuance or emission of dense smoke in such city.

For the purposes of this act the population of each city of this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the State of Minnesota. ('17 c. 8 § 1)

**1642. Ordinances**—Such ordinances may define the meaning of dense smoke, and declare the issuance or emission thereof to be a public nuisance, and provide all effective steps for the abatement thereof. ('17 c. 8 § 2)

**1643. Mayor to have supervision of police department**—That in each city of the second class in the State of Minnesota the Mayor of such city shall hereafter have the exclusive power to direct the law enforcing activities of the police department, and the chief of police and such other officers as may be acting in such department shall at all times be subordinate to such Mayor. ('23 c. 87 § 1)

**1644. Fire protection**—That the city council or other governing body of each city in this state which now has or hereafter may have 20,000, and not more than 50,000 inhabitants, is hereby authorized and empowered to enact, adopt, repeal and amend, and to provide penalties for the violation of, any and all regulations, rules, resolutions and ordinances, not inconsistent with the laws of this state, relating to building within such city, and the planning, construction, repair, maintenance, fire protection and all other matters relating to buildings within such city.

For the purposes of this act the population of each city of this state shall be ascertained and determined according to the last census taken under and pursuant to the laws and authority of the state of Minnesota. ('17 c. 190 § 1)

**1645. Inspection**—Such city council or other governing body of such city shall have power by ordinance to provide for inspection and regulation of any construction work within such city, whether buildings, plumbing, heating, ventilating, wiring or any other construction whatsoever. ('17 c. 190 § 2)

**1646. Appointment of inspectors**—Such city council or other governing body is authorized and empowered to appoint a building inspector and such assistants and employes as may be deemed necessary and define their powers and duties and fix their salaries and terms of service.

Such inspector and his authorized assistants under his direction, shall have power and be fully authorized to enter any dwelling house or other building at all hours between seven o'clock in the morning and six o'clock in the evening and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of such city respecting the same are enforced.

Provided, however, that no such entry shall be made in any building occupied as a dwelling house without written notice of such entry for the purpose of inspection, served upon an occupant or person in charge of such dwelling house, by such inspector or under his direction at least 24 hours prior to such entry, unless such occupant or person in charge shall consent to such entry. ('17 c. 190 § 3)

**1647. Scope of inspection**—Under such conditions as such city council or other governing body may prescribe, such inspector shall inspect or cause to be inspected all buildings and structures of any character whatsoever within such city and see that they conform to the laws of the state and the ordinances of such city, and shall enforce all laws of the state and all ordinances of such city applying to buildings within such city, whether relating to their planning, repair, fire protection or any other matter. ('17 c. 190 § 4)

**1648. Inspector's powers**—For a more specific enumeration and definition of some of the powers hereinbefore granted and a fuller exposition thereof and as an additional grant thereto, such city or other governing body shall have the following power and authority:

(a) To regulate the construction, alteration, removal and repair of all structures and the permanent equipment thereof, and to provide for the safety of the occupants of all structures and all property in the vicinity thereof against danger from fire or panic or from methods of construction or installation detrimental to life, health or property, and to prohibit the use of buildings or parts of buildings when dangerous to life from collapse, fire or panic.

(b) To prescribe limits within which all roofs shall be covered by non-combustible material.

(c) To compel the installation in all structures of devices, appliances and arrangements for the preservation of life, health and property.

(d) To license, regulate, prohibit and suppress the erection and maintenance of signs, signboards, billboards and fences.

(e) To establish and enforce building lines and to regulate the height of buildings.

(f) To regulate the measurement and inspection of all building materials.

(g) To prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the material and manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, pier's, columns, roofs, chimneys, flues and heating apparatus, and apportion and adjust such regulations to the height and size of buildings.

(h) To regulate the construction and location of privies and vaults.

(i) To prohibit the construction of buildings not conforming to the prescribed standard, either in the whole city or within such building limits as it may prescribe, and to establish, alter or enlarge such building limits from time to time.

(j) To give such inspector and his assistants authority to enter upon, examine and inspect all buildings in process of construction in such city or within such building limits, and to direct the suspension of any such building operation as does not conform to such regulations.

Provided, however, that neither such city council or other governing body nor any inspector of such city shall have control or regulation of any building erected by the United States or the state of Minnesota. ('17 c. 190 § 5)

1649. Sprinkling of streets—That the city council of each city of the second class in the state of Minnesota is hereby authorized to sprinkle the streets, alleys, highways, public ways and public grounds of such city, either by letting the same by contract or without letting the same by contract and to pay the cost of the same from the general fund of such city. ('23 c. 32 § 1)

1650. Definition—Sprinkling as used or referred to in this act shall be deemed to include sprinkling, flushing, saturating or treating the surface of streets, alleys, highways, public ways and public grounds with water, oil or any kind of fluid, mineral or other substance, for the purpose of preventing dust in the atmosphere or on the surface of such streets, alleys, highways, public ways and public grounds. ('23 c. 32 § 2)

1651. Procedure if let by contract—Before letting such work by contract such city shall proceed in the same manner as when letting contracts for other non-assessable improvements. ('23 c. 32 § 3)

1652. When not let by contract—When such work is done by the city, the city council shall by resolution designate what officers or officer shall supervise such work, and it may from time to time appoint one or more persons to assist such supervisor or supervisors and may fix their compensation and term of service, or provide that they shall serve during its pleasure. ('23 c. 32 § 4)

1653. Sprinkling districts—The city council may by resolution district and re-district such city for the purpose of sprinkling, whether such work is done by the city or by contract. ('23 c. 32 § 5)

1654. Records of expenditures—The supervisors of sprinkling shall keep accurate accounts of the cost of such sprinkling, including the compensation paid to any assistant supervisors, and promptly upon the completion of each season's sprinkling transmit a detailed statement of the same to said council. ('23 c. 32 § 6)

1655. Tax levy—The city council of such city, when directing tax levy for the general fund of such city, shall make due provision for the expenses of sprinkling for the next ensuing fiscal year. The cost of future sprinkling in any such city shall not be assessed to property benefited but shall be paid from the general fund of such city. ('23 c. 32 § 7)

1656. Highways outside of state cannot be improved—That no municipality "of the second class" in the state of Minnesota shall hereafter appropriate or use any of its funds or make or incur any expenditure, indebtedness or obligation whatsoever for or in the construction, maintenance or repair of any road, roadway, driveway or highway of any kind whatsoever, located or situated outside the boundaries of said state or in aid of any thereof, or in connection therewith. ('21 c. 106 § 1)

1657. City not liable for failure—That no municipality shall ever be liable in any way whatsoever for any failure to repair or maintain any such road, roadway, driveway or highway and no action shall be prosecuted or maintained against any such municipality or any of its officers for or on account of any such failure. ('21 c. 106 § 2)

1658. Not to apply to bridges—The provisions of this act shall not apply to any bridge which shall span any water forming the boundary of this state. ('21 c. 106 § 3)

1659. Pumping stations in streets—That each city of the second class in the state of Minnesota is hereby authorized to construct and to maintain in the public streets or alleys thereof buildings for use as sewer pumping stations. ('23 c. 9 § 1)

1660. Parkways around buildings—That each such

city is authorized to maintain a small parkway around each of such buildings. ('23 c. 9 § 2)

1661. No liability for injury therefrom—That no such city shall be liable in damage to anyone suffering injury by reason of the construction or maintenance of such buildings unless such injury was due to a failure on the part of such city to exercise ordinary care in the construction or maintenance of such buildings. ('23 c. 9 § 3)

1662. Condemnation therefor—That each such city is hereby authorized to acquire the necessary property rights and easements to construct and maintain such buildings by condemnation proceedings, gifts, devise or purchase as in other cases of acquiring property for public use. ('23 c. 9 § 4)

1663. Acceptance of gifts—Cities of the second, third and fourth classes, having at any time an assessed valuation of not more than ten million dollars, exclusive of money and credits, as officially equalized by the State Tax Commission, either under home rule charter or under the laws of this state, in addition to all other powers possessed by them, hereby are authorized and empowered to receive and accept gifts and donations for the use and benefit of such cities and the inhabitants thereof upon terms and conditions to be approved by the governing bodies of such cities; and such cities are authorized to comply with and perform such terms and conditions, which may include payment to the donor or donors of interest on the value of the gift at not exceeding 5% per annum payable annually or semi-annually, during the remainder of the natural life or lives of such donor or donors. ('23 c. 395 § 1)

1664.—Tax levy to pay interest—Whenever any such city shall so accept such gift or donation the governing body thereof shall have the right to enter such a written contract for the payment of such interest so determined upon and it shall be the duty of the city council annually, at the time other taxes are levied, to levy a tax sufficient to pay such obligation so incurred. ('23 c. 395 § 2)

LAWS APPLICABLE TO CITIES OF SECOND CLASS

Bridge bonds ('15 c. 14). Fire and police board ('15 c. 27 1664 Note  
125). Street sprinkling and assessments therefor ('17 c. 27 1  
509). Tax levy ('19 c. 75). Police pension fund ('19 c. 27 2  
152). Appropriation for Minnesota war records commission ('19 c. 288). Local improvements ('19 c. 224). Bonds for municipal electric plant ('21 c. '91). Sewer bonds ('21 c. 187). Drainage bonds ('21 c. 188). Nomination of school directors ('23 c. 88). School taxation ('23 c. 255).

PROVISIONS RELATING TO CITIES OF THIRD CLASS

1665. Special elections—That whenever a special election shall be required in any city of this state having a population of more than ten thousand inhabitants and less than twenty thousand inhabitants, to fill any vacancy in the offices of such city and the charter of such city shall not provide by whom or by what body such special election may or shall be ordered, then in every such case, such special election may be ordered by the city council of such city. ('09 c. 180 § 1) [306]

1666. Candidates—Nomination—That whenever a special election shall be ordered in any city of this state, having a population of more than ten thousand inhabitants and less than twenty thousand inhabitants, to fill any vacancy in the offices of such city, and the charter of such city shall require such special election to be ordered and held within ten days after such vacancies shall occur, candidates for election at such special election shall not be required to be nominated at a primary election. Candidates for election at such special election may be nominated by delegate conventions

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called and held in accordance with the laws of this state, relative to the nomination by conventions held to nominate candidates for election at a special election. Candidates for election at such special election may also be nominated by certificates in the manner provided by law relating to nominations by petition or certificates of voters. Provided, however, that all certificates of nomination of candidates for election at such special elections shall be filed with, and the nomination fee fixed by law paid to the city clerk of such city on or prior to the third day before the day appointed for holding such special election.

Whenever a special election shall be ordered in any city of the first class in this state not operating under a home rule charter, to fill any vacancy in the offices of such city, and the charter of such city shall not require such special election to be ordered and held within ten (10) days after such vacancy shall occur, candidates for election at such special election shall be nominated at a primary election held on the third day, exclusive of any intervening Sunday, before the day appointed for such special election, at the time and places provided under section 309, General Statutes 1913, for the meeting and attendance of the judges of election; and at such time and places there shall be held a primary election for the purpose of selecting two candidates to be voted for at the special election held to fill such vacancy.

The returns of such primary election shall be returned to the city clerk of such city, and shall be canvassed on the next day (not a Sunday or legal holiday), following such primary election, by a canvassing board consisting of the city clerk of such city, the chief accounting officer of such city and the city treasurer of such city.

Such canvassing board shall meet and canvass the returns and determine the result of such primary election on such day provided for their meeting; and shall forthwith certify in writing the result of such canvass to the city clerk of such city, who shall file the same and forthwith, in writing, notify the successful candidates of their nomination.

In the event that any of said officers above named to act on such canvassing board is a candidate for the office so to be filled, or is for any reason unable to act on such canvassing board, the chief executive officer of such city shall designate and appoint another officer of such city as a member of such canvassing board, in place of the officer named who is unable to act.

The action of a majority of such canvassing board, in making such canvass shall be legal and sufficient.

The city clerk of such city shall give fifteen (15) days' notice of the time and places of holding such special election, and at the same time shall give notice of such primary election, designating the officers to be elected.

Notice of both said primary election and special election may be given in one and the same notice, but no defect in such notice or failure to give such notice shall invalidate any election.

All candidates for nomination at such primary election must file their affidavit for such nomination, and pay their fee therefor, in the same manner as provided in the law governing primary elections, except only that such filing shall be made with, and such fee paid to, the city clerk of such city, instead of the county auditor; and such filing must be made, and the fee therefor paid, not later than the fifth day preceding the primary election.

The two persons receiving the highest number of votes at such primary election shall be declared the nominees, and their names shall be placed on the ballot to be used at the special election, and no other names

of candidates shall appear on the ballot to be used at such special election except the names of the two candidates receiving the highest number of votes at such primary election; provided, however, that in the event that not more than two persons file as candidates for nomination for the office to be filled at such special election, then, and in such event, no primary election shall be held, but the two persons so filing shall be considered, and shall be the nominees for such office, and their names, and their names only, shall be placed on the ballot, to be voted on at said special election for the office so to be filled.

At the primary election so to be held to select candidates to be voted on at such special election all persons entitled to vote at such special election shall be entitled to vote at such primary election, and except as herein otherwise provided, such primary election and all things pertaining thereto shall be in accordance with and controlled by the laws of the State of Minnesota in respect to primary elections, except only that wherever any act in connection with any regular primary election is required to be done by the county auditor, all such acts in connection with a special primary election shall be done by the city clerk of such city. ('09 c. 180 § 2; amended '17 c. 26) [307]

**1667. Fees—Ballots**—All nomination fees received by any city clerk under the provisions of this act shall be forthwith paid by him to the city treasurer of such city. Said city clerk shall cause the necessary ballots for use at such special election to be prepared, printed and bound in the form and manner provided by law relating thereto, and shall furnish the same to the judges of election for use at such special election, but such city clerk shall not be required to prepare or post any sample ballot in relation to such special election. ('09 c. 180 § 3) [308]

**1668. Judges—Boards of election**—It shall not be necessary to appoint judges or to make new registers of voters for such special election, but the judges of election at the last general election in any precinct or district shall continue to be judges of election for such special election and vacancies of judges may be filled the same as in case of general elections. Such judges shall constitute the boards of election for their respective election districts for such special elections. They shall meet on the third day, exclusive of any intervening Sunday, before the day appointed for such special election at six o'clock a. m. at the place where the last election was held, or at such other place as may be lawfully designated as the polling place for such district, and there remain in session until nine o'clock p. m. They shall at such session erase from the registers of voters used at the last election held in such district the names of all voters known to have since died, removed from the district or become disqualified and shall note on such registers opposite each name so erased the reason for such erasure. They shall enter at the proper places in such registers and in the form provided by law relating to the registration of voters, the names of legal voters of said district, who may be lawfully registered as voters at such special election. At the end of said day said board shall compare and correct said registers, shall cause the same to be signed by one of their number at the end of the list on each page thereof, and shall attach certificates to such registers in the form, so far as applicable, required to be attached by boards of registration to registers of voters on completion of the registration of voters in such city. No list of the names of voters appearing on such registers shall be required to be prepared or posted. Before ten o'clock on the next week day, said registers shall be deposited by one of said board in the office of the city clerk, who shall

safely keep the same. Such registers shall be used as the registers of voters at such special election. ('09 c. 180 § 4) [309]

**1669. Compensation**—The compensation for services at such special election shall be the same as provided by law for similar services at elections and with other expenses thereof shall be paid as provided by law relating to the payment of expenses at general elections. ('09 c. 180 § 5) [310]

**1670. General election law to apply**—Except as otherwise provided in this chapter, or in the charter of the city in which such special election shall be ordered, the nomination of candidates and the registration of voters for such special election and such special election and all things pertaining thereto, shall be in accordance with and controlled by the laws of this state. ('09 c. 180 § 6) [311]

**1671. Cities of third class may hold primaries**—The council of any city of the third class operating under a home rule charter may by resolution or ordinance adopted at least four weeks before the date of any municipal election for city officers to be held therein, resolve or ordain that all municipal elections for city officers in said city shall be held and conducted under the primary election system provided for hereby, and thereafter the mode of nomination and election of elective officers of the city to be voted for at any municipal election shall be as follows; provided, however, that the provisions of this act shall not apply to any city whose boundaries extend into more than one county of the state. ('21 c. 13 § 1)

**1672. Date—Notice**—On a day two weeks preceding the municipal charter election held for the purpose of electing city officers an election of nominees to be designated "city primary election" shall be held in such city for the selection of candidates for elective offices within such city. One week's published and posted notice thereof shall be given by the city clerk. ('21 c. 13 § 2)

**1673. Candidates shall file—Fee**—Not less than ten days preceding the city primary election any eligible person desirous of having his name placed upon the city primary election ballot as a candidate for an elective city office shall file an affidavit with the city clerk, stating his residence, that he is a qualified voter in such city and naming the office for which he desires to be a candidate. Upon payment by such candidate of a fee of one dollar to the clerk that officer shall place the name of such candidate upon the city primary ballot without any party designation, except that where only two persons have filed for any one office the names of such persons shall not be placed upon said primary ballot but shall be placed upon the charter election ballot as the nominees for the office named. Only the names of candidates who have filed, as herein provided shall be printed on the primary ballot and there shall be no party designation or mark on such ballot indicative of the source of the candidacy or the support of any candidate. ('21 c. 13 § 3)

**1674. Manner of holding—Canvass**—Said primary election shall be held and conducted so far as practicable in the manner provided in the charter of said city for municipal elections of city officers, provided there shall be no blank place on such ballots for the writing in of the names of candidates, and votes cast for the nomination of candidates whose names have not been duly placed thereon shall not be counted as to such office. The results of the municipal primary election shall be canvassed by the council and the two candidates for each office who shall receive the highest number of votes shall be declared to be the nominees for the office named and their names shall be certified to the city clerk, who shall place them upon the charter

election ballots without any party designation. ('21 c. 13 § 4)

**1675. Vacancies**—Whenever a vacancy occurs in any nomination made hereunder the same may be filled by petition as provided in Sections 371 to 374, General Statutes Minnesota 1913, both inclusive, but no candidate defeated at the city primary election shall be eligible for nomination by petition and after one nominating petition for each vacancy shall have been duly filed no other nominating petition for the same office shall be received. ('21 c. 13 § 5)

**1676. Registration**—The day of such primary election shall be the first registration day and the day one week after such primary election shall be the second registration day in such city. On said days the election boards shall register voters as provided in the case of general elections for cities of the fourth class. Any person offering to vote at the charter election in such city whose name is not on the list at the opening of the polls but who shall satisfy the board by proper evidence that he is entitled to register and vote shall be allowed to do so. ('21 c. 13 § 6)

**1677. Dense smoke—Abatement, etc.**—That any city in the state of Minnesota now or hereafter having more than ten thousand and not more than twenty thousand inhabitants, in addition to all the powers now possessed by such city, is hereby authorized and empowered, acting by and through the council, common council or city council of such city by ordinance duly enacted by an affirmative vote of not less than two-thirds of all the members elect of such council, common council or city council, to control, regulate, prevent and prohibit the emission of dense smoke from the smoke stack of any locomotive, engine, stationary engine or building within the limits of any such city, and to declare such emission of dense smoke to be a public nuisance, and to provide for the summary abatement thereof; and in addition thereto to impose such a penalty by fine or imprisonment upon the person or persons who may cause, permit or allow such nuisance to exist, as may be deemed proper, such penalty not to exceed, however, in any case a fine of one hundred dollars, or ninety days' imprisonment. ('13 c. 341 § 1) [1650]

**1678. Annexation of territory**—Any territory so conditioned as properly to be subjected to city government which has been wholly or partly platted into lots, and which has a resident population of not less than five hundred to the square mile, taken as a whole, and not being within the limits of any city or village and lying adjacent to any city in the same county now or hereafter having a population of not more than twenty thousand or less than ten thousand inhabitants, may be annexed to and become a part of any such city upon the terms hereinafter prescribed. ('09 c. 137 § 1) [1651]

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**1679. Annexation of territory to cities**—That whenever the majority of the owners of any property which has been platted into lots and blocks or outlots, or the owner of any tract, piece or parcel of land, abutting upon any incorporated city having a population of not less than ten thousand people nor more than twenty thousand people, according to the last federal census, whether such city is incorporated under general or special laws, or is operating under the terms and provisions of a home rule charter, shall petition the city council, city commission, or other governing body of said city, to have such property annexed to the city, the city council or other governing body may by ordinance, and the city commission, acting under a home rule charter, may by resolution, declare the same to be an addition to such city, and thereupon such territory

shall become a part of such city, as effectually as if it had been originally a part thereof. ('19 c. 159 § 1)

**1680. Duties of city council**—It shall be the duty of the city council, city commission, or other governing body of any such city to which such territory shall be annexed and added under this act, to cause a certified copy of the ordinance or resolution aforesaid to be duly filed and recorded in the office of the register of deeds of the county in which said city is located, or, in the event that said city is located in more than one county, in the office of the register of deeds of the county in which said territory thus annexed to said city is situated, and to also in like manner cause a certified copy of said ordinance or resolution to be filed in the office of the county auditor of said county; provided, that this act shall be construed to be supplementary to any other law providing for the annexation of territory to cities having a population of not less than ten thousand people nor more than twenty thousand people, and not as repealing such law. ('19 c. 159 § 2)

**1681. Petition—Census—Duty of county auditor**—Ten per cent or more of the voters residing within any city and in such territory proposed to be annexed there-to may petition the county board of the county in which such city and territory are situate to call an election for the determination of such proposed annexation. A census of the resident population of such territory shall first be taken by one or more of such petitioners, and if found to be within the number specified in section 1 [1651] hereof, the petition aforesaid shall be presented within eight weeks thereafter. It shall set forth the boundaries of such territory, that a census has been taken of the number of actual residents therein and the number thereof, and the name of the city to which the same is prayed to be annexed. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within the dates specified therein, and that the statements made in the petition are true. The number of voters shall be ascertained from the number of votes cast for governor at the last preceding general election at any such city prior to the making of such petition. Such petition shall be filed with the county auditor of the county in which such territory is located, and it shall be the duty of the county auditor to cause a copy thereof to be served upon the city clerk of the city to which annexation of such territory is prayed within five days after the same is filed in the office of the county auditor. ('09 c. 137 § 2) [1652]

**1682. Duty of council and clerk**—At the next meeting of the city council of the city to which annexation of such territory is prayed, after the service of a copy of any such petition, the city clerk shall lay the same before the council, and at such meeting or a meeting subsequent thereto the city council shall determine by resolution whether the city desires to consent to the annexation of such territory, and the city clerk shall forward to the county auditor, immediately after the adoption of any resolution upon such question, a certified copy of the resolution of the city council accepting or rejecting such annexation, and thereupon the county auditor shall attach such certified copy of such resolution to the original petition for annexation. ('09 c. 137 § 3) [1653]

**1683. Duty of county board**—In case the resolution of such city council shall be in favor of annexation the county board shall proceed as in the next section specified, and in case the city council shall vote to reject such annexation no further proceedings shall be had by the county board. ('09 c. 137 § 4) [1654]

**1684. Election—Notice**—If the city council shall vote in favor of such annexation as hereinbefore pro-

vided, the county board at its regular meeting shall determine whether the facts stated in such petition are true, and, if they so find, the county board shall order an election to be held by the voters of such city and of the territory described in such petition, and shall cause a copy of said petition, with a notice attached fixing a time and place for holding such election, to be posted in three public places within the boundaries of the territory described in such petition. The time of holding such election shall be not less than twenty nor more than thirty days after such posting, and shall be held within such city and the territory proposed to be annexed thereto. A copy of such petition and notice of election shall also be published in a legal newspaper published within said city, and if there be a newspaper published within the limits of such territory proposed to be annexed, a copy thereof shall also be published in such newspaper, and such publications shall be made once in each week for two successive weeks prior to such election. ('09 c. 137 § 5) [1655]

**1685. Election, how conducted—Ballots**—Such election shall be conducted in said city in the same manner and the judges and clerks of election therefor shall be appointed in the same manner as at municipal elections therein and the same shall be conducted in all respects as municipal elections, except as hereinafter provided. The county board shall appoint three inspectors, residents of the territory proposed to be annexed, who shall act as judges of said election, who shall appoint two persons clerks of such election, and such judges and clerks shall conduct the same in the same manner as general elections, except as herein provided. Polls shall open at nine o'clock in the morning and close at six o'clock p. m. Only voters residing within said territory and within said city shall be entitled to vote at such election. All ballots at such election shall bear the words "For annexation, Yes, No," with a square after each of said words, in one of which the voter shall make a cross to express his choice. The judges of said election in said city and the inspectors of such election in such territory shall at once upon the close of such election, make and file with the county auditor certificates of the results of such election in such territory and in each election district of such city, declaring therein the time and place of holding such election, that they have canvassed the ballots cast thereat and stating the number of ballots cast both for and against such proposition. The certificates shall be signed and verified by at least two of said inspectors in such territory and two judges in each election district of said city to the effect that the statements thereof are true. ('09 c. 137 § 6) [1656]

**1686. Duties of auditor**—The auditor shall attach said certificates to the original petition with a copy of the resolution appointing said inspectors and the original proofs of the posting and publication of the election notice, and file the whole as one document in his office. If the certificates show that the majority of all votes cast at such election were in the affirmative, the county auditor shall forthwith make and transmit to the secretary of state a certified copy of said document to be there filed as a public record, and thereupon the annexation of such territory shall be deemed complete. He shall also file a certified copy of said document in the office of the register of deeds of the county and the same shall be recorded, and shall also file a certified copy thereof with the city clerk of the city in which such territory is annexed. If the vote be adverse no subsequent petition shall be entertained within one year next after said election. ('09 c. 137 § 7) [1657]

**1687. Expenses of annexation**—All proper expenses of the annexation shall be borne by such city in case the city council of any such city shall vote to accept



annexation of such territory, including fees for copies, recording, publication and expenses of election. ('09 c. 137 § 8) [1658]

**1688. Existing indebtedness**—No such territory annexed to any such city shall be in any manner taxed to pay any part of any indebtedness existing on the part of any such city prior to or at the time of such annexation, nor shall any such territory be in any manner released of or from liability to taxation for any debt existing against any municipality of which such territory formed a part prior to such annexation. ('09 c. 137 § 9) [1659]

**1689. Property and indebtedness, how apportioned**—**Appeal**—It shall be the duty of the county board to make an equitable division of the public property of the several towns and school districts of which such territory annexed formed a part prior to such annexation, and to apportion the property and indebtedness, if any of each thereof between the respective towns, school districts and city in such manner as shall be just and equitable, having in view the location and value of public buildings and real and personal property where the same remains after annexation, the amount of taxes due and delinquent and the indebtedness of each such town, school district and city, if any, and for what purpose the same was incurred, all in proper relation to the last assessed valuation of all of the taxable property of such town, school district and city, and shall make such apportionment and division thereof by resolution and other appropriate proceedings, first giving at least twenty days' notice to each town or school district and to the city to be affected thereby. Any city, town, school district or territory affected by any resolution, order or proceeding of any county board, as herein authorized to be taken, may appeal to the district court from any such resolution, order or proceeding within twenty days after the making thereof, and in case of appeal by the residents of such territory annexed the same may be taken by forty per cent of the voters thereof; and in case of such appeal all appeals shall be tried and disposed of in one proceeding by the district court in the same manner in all respects as appeals from the decision of the county board on claims against the county, except that the trial thereof shall be by the court without a jury, and an appeal from the determination of the district court shall lie with the supreme court in the same manner as in civil actions. ('09 c. 137 § 10) [1660]

**1690. Readjustment of wards**—The city council of any such city to which any such territory shall be annexed as herein provided shall have authority by ordinance to provide for a readjustment of the boundaries of the several wards existing in such city in such a manner that the population of each such ward, as the same shall exist at the time of such annexation, shall be made as nearly equal as practicable after the addition of any such territory, provided the several wards shall be composed of contiguous territory. ('09 c. 137 § 11) [1661]

**1691. Annexed territory, how governed**—Such annexed territory shall in all respects be governed by laws governing the city at the time of such annexation, and said annexed territory shall be governed by all of the laws relating to schools and school districts in said city and the school property awarded to such annexed territory by the county board shall be under the control and management of the officers and proper authorities of such city controlling and governing the school property of such city, subject to the provisions herein with respect to the indebtedness of any such territory, and in case the detaching of any such territory shall divide any school districts outside of the limits of the city, the county board shall have author-

ity to make a proper readjustment of the boundaries thereof as provided by law. Provided, that no license for the sale of intoxicating liquors in such territory so annexed to any such city shall ever be granted unless the question of issuing the same shall be first submitted to the electors residing therein and shall be authorized by a majority vote of the electors voting at such election on such question. And the city council of any such city is hereby authorized to submit such question to the voters of any such territory so annexed at a special election to be called and held therein and to appoint the necessary judges and clerks for the purpose of conducting the same in the same manner that other municipal elections are held and conducted, and any such license so granted, without complying with the terms of this section, shall be void. ('09 c. 137 § 12) [1662]

**1692. New Charter**—Within six months after the annexation of any territory to any city as herein provided, the board of freeholders to frame charters as provided by section 749, Revised Laws of 1905, if such board of freeholders shall have been appointed, shall frame a charter for such city as the same exists after such annexation and deliver to the chief executive of such city the draft of such proposed charter as provided in section 751, Revised Laws of 1905, and the same shall be submitted for the approval of the voters of such city as provided by law. ('09 c. 137 § 13) [1663]

**1693. Incorporation within city limits of land of state institutions**—That any lands adjacent to any city now or hereafter having a population of not less than ten thousand inhabitants, and not more than twenty thousand inhabitants in this state, which are wholly owned by the state of Minnesota, and used as a part of any state institution under the jurisdiction and control of the state board of control of state institutions, may be annexed to any such city by resolution of the city council or other governing body thereof, whenever such city council may be requested to annex such state lands by resolution adopted by the state board of control of state institutions, which resolution shall in all cases describe the lands to be annexed. ('07 c. 349 § 1) [1664]

**1694. When annexation is complete**—Such annexation shall be deemed complete upon the adoption of any such resolution by the city council or other governing body of such city in the manner above specified, when a duly certified copy of such resolution shall be filed in the office of the secretary of state. A certified copy of such resolution shall also be recorded in the office of the register of deeds of the county in which such city is situate. ('07 c. 349 § 2) [1665]

**1695. What lands may be annexed**—Any lands owned by the state, as provided in section 1 and adjacent to any city, as herein provided, may be annexed as provided herein, save and except lands situate outside of the limits of the county in which such city is situate. ('07 c. 349 § 3) [1666]

**1696. Water works—Power to acquire**—That each city in the state of Minnesota, now or hereafter having not less than ten thousand and not more than twenty thousand inhabitants, according to the then last preceding national census, is hereby authorized and empowered, as hereinafter provided, to construct, erect, purchase or otherwise pursuant to authority of law, acquire a system of water works to be operated and governed by such city, in such manner and to be managed and regulated by such boards or commission, or otherwise, as from time to time may be prescribed by lawful authority, and each said city is authorized to issue bonds in payment therefor, as hereinafter provided. ('05 c. 105 § 1) [1670]

123-48, 142+1042.

**1697. Issue of bonds—Mortgage—Limit of debt—** That each such city is hereby authorized to issue in payment for any such system of water works, or to pay and discharge or refund any bonds secured by a mortgage upon any water works heretofore or hereafter purchased by any such city, and existing at the time of such purchase, in addition to all bonds heretofore authorized to be issued by any such city, its bonds, in an amount to be determined by a two-thirds vote of all the members of its city council, not exceeding in amount five per cent of the assessed valuation of the taxable property of such city, according to the last preceding assessment thereof, for the aforesaid purpose of constructing, erecting, purchasing or acquiring in any lawful manner a system of water works. ('05 c. 105 § 2) [1671]

**1698. Submission to voters—** Before any bond shall be issued as provided in this act, the city council shall by resolution authorize the issuance thereof, subject to the approval of the legal voters of such city, and by such resolution such city council shall determine the amount of bonds to be issued, the rate of interest, which shall not exceed four per cent per annum, payable semi-annually, and the time of the maturity of such bonds, which may be at such time or times and in such installments as the council shall in such resolution provide, and such bonds may be issued in such denominations as such resolution may provide, and such council shall in such resolution fix a time either at an annual or special election to be called for that purpose, when the voters of such city shall vote upon the question of the issuance of such bonds, and at the time so fixed by such city council the legal voters of such city shall vote upon the question of the issuance of such bonds. The form of ballot therefor shall be as follows:

"Shall the city of \_\_\_\_\_ issue its bonds in the sum of \_\_\_\_\_ dollars, bearing interest at \_\_\_\_\_ per cent per annum, payable semi-annually, for the purpose of acquiring and owning a system of water works, pursuant to a resolution of the city council of said city, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 190—?"

Yes	.....
No	.....

Voters who desire to vote for the issuance of such bonds shall place a cross (X) opposite the word "Yes" of said ballot, and those who desire to vote against the issuance of said bonds shall place a cross (X) opposite the word "No" of said ballot. Such election, if a special election, shall be conducted in all respects as a general election, except that it shall not be necessary to have more than two days for registration, which days shall be one week and two weeks, respectively, prior to the day of such election. If the majority of the voters who vote upon such question shall vote for the issuance of said bonds, then the same shall be issued, otherwise they shall not be issued. ('05 c. 105 § 3) [1672]

**1699. Bonds—** The bonds of any such city issued pursuant to the terms of this act may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of a majority of all the members of the city council, and all interest upon such bonds shall be evidenced by coupons attached to such bonds, and which interest shall be payable at such times and at such place or places as may be specified in such ordinance or resolution. Such bonds shall be sealed with the seal of the city issuing them and be signed by the mayor and city clerk or recorder, and such coupons shall be signed by the city clerk or recorder, and such bonds shall not be

sold for less than par value and accrued interest to the highest responsible bidder after notice published once in each week in a daily newspaper, if there be one in such city, for two successive weeks; if not, then once in each week for two successive weeks in a weekly newspaper in said city, and also once in each week for two successive weeks in a daily newspaper published in the city of St. Paul, Minnesota. ('05 c. 105 § 4) [1673]

**1700. Proceeds, how used—** None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, together with the necessary expense attending such purposes, and the purpose or purposes for which such bonds shall be issued shall be distinctly set forth in the ordinance or resolution authorizing the same. ('05 c. 105 § 5) [1674]

**1701. Limit of debt—** None of the bonds of any such city issued pursuant to the terms and provisions of this act shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of the bonded or other indebtedness of any such city, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such city, nevertheless the full faith and credit of every such city is irrevocably pledged to the full payment of all such bonds and interest. ('05 c. 105 § 6) [1675]

**1702. Tax levy—Water works fund—** Every such city issuing any bonds under authority of this act is hereby required to levy each year thereafter the necessary tax upon all the taxable property of such city for the purpose of raising an amount which shall be equivalent to the reasonable value of the hydrant rental and other water consumed or used by such city and provided by such system of water works, which sum shall be paid into and credited to a fund known as the "water works fund," which shall be kept separate from all other moneys of such city, and shall be under the control and management of the governing body, board or commission of such city, which shall have the control, government and management of such water works system as may be from time to time provided by law, and likewise all rentals and revenue derived from such system of water works in any manner shall be paid into such fund, and all expenses of management and operation, and otherwise of such system of water works, shall be paid out of said fund, and from the balance thereof there shall each year be set aside a sufficient amount to pay the interest upon all bonds issued by authority of this act and such further sums as may be necessary to create a sinking fund, to pay the principal of such bonds as they mature and a sufficient sum to pay the interest as it falls due upon any bonds secured by a mortgage upon such water works, given before any such purchase thereof. Said sinking fund to be known as the "water works sinking fund." And in case of any deficiency in the amount of said water works fund, every such city is hereby required to levy each year the necessary tax upon all taxable property of such city for the purpose of making up any such deficiency, and of paying the interest upon all such bonds so issued and of creating a sufficient sinking fund to pay such bonds as they mature, and such sinking fund shall not be diverted to or used for any other purpose than that of paying the interest and principal upon the bonds issued by authority of this act; and none of the receipts of said water works system shall be diverted to any other purpose except that of the maintenance, operation and extension of said water works system, and of the payment of the

interest and principal of the bonds issued pursuant to this act. ('05 c. 105 § 7) [1676]

**1703. Water works, how acquired**—Every such city is hereby authorized and empowered by a two-thirds vote of the common council thereof to contract on behalf of said city for the purchase of water works or for the building and construction of a system of water works, but no contract for such building or construction shall be entered into until after said city council, or other governing body, shall cause an advertisement for sealed bids for the performance of such contract to be published by the city clerk or recorder thereof, at least once in each week for three successive weeks, in a daily newspaper published in said city, if one there be; if there be none, then once in each week for three successive weeks in a weekly newspaper published in said city, and also once in each week for three successive weeks in a daily newspaper published in St. Paul or Minneapolis. The council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bonds for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council shall seem expedient and proper, and shall have authority to reject any and all bids; but no such contract to purchase or construct shall be valid unless, either prior to the making thereof or thereafter, in case bonds are required to be issued to pay for such water works, a majority of the legal voters of such city shall vote in favor of the issuance of such bonds, as hereinbefore provided. ('05 c. 105 § 8) [1677]

**1704. Repairing and rebuilding bridges**—Whenever any city in this state, now or hereafter having a population of not less than ten thousand nor more than twenty thousand inhabitants according to the then last preceding official national or state census, has, by authority of law, constructed, built; purchased or otherwise lawfully acquired any bridge across any navigable stream either wholly within the limits of any such city or partially within and partially without the limits of said city, or partly within the limits of said city and connecting with and partly within any state bordering upon the state of Minnesota, every such city shall have the power and authority to repair, reconstruct and rebuild from time to time any such bridge, whenever the same may be determined to be necessary by a two-thirds vote of all the members of the city council, or other governing body of such city, and every such city is hereby authorized to issue its bonds in the manner hereinafter specified for any or all of the purposes aforesaid, provided that the amount of bonds issued by authority of this act shall not exceed two per cent of the assessed valuation of the taxable property of such city, according to the then last preceding equalized valuation thereof as determined by the state board of equalization. ('05 c. 170 § 1) [1678]

**1705. Tax levy—Sinking fund**—Every city issuing any bonds under authority of this act is hereby required to levy each year thereafter the necessary tax upon all the taxable property of such city, for the purpose of paying the interest upon bonds so issued and of creating a sinking fund to pay such bonds as they mature, said sinking fund to be known as the bridge bond sinking fund, until the bonded indebtedness hereby authorized shall be extinguished, and such sinking fund shall not be diverted to or used for any other purpose. ('05 c. 170 § 2) [1679]

**1706. Not to exceed cost**—No bonds shall be issued hereunder by any city for any sum in excess of the actual cost or contract price of repairing, reconstructing or rebuilding any such bridge. ('05 c. 170 § 3) [1680]

**1707. Contract for repair or rebuilding**—Any such

city is hereby authorized and empowered, by a two-thirds vote of the common council or other governing body thereof, to contract on behalf of said city for the repairing, reconstruction or rebuilding of any such bridge, and provide for the payment thereof on such terms and at such times as to such council, or other governing body, shall seem proper. Provided, however, that no such contract providing for any expenditure in excess of \$500 shall be entered into unless the resolution authorizing the same shall be first approved by the mayor of such city or adopted by three-fourths vote of the city council or other governing body when not approved by such mayor and an advertisement for sealed bids for the performance of such contract shall be first published by the clerk or recorder of such city at least once in each week for three successive weeks in the official newspaper of such city. The council, or other governing body, shall have authority to prescribe such terms and conditions relative to the making of such bids for such contract and relative to the security which each bidder shall be required to make or deposit with such bid, as to such council, or other governing body, shall seem expedient and proper, and shall have authority to reject any and all bids. ('05 c. 170 § 4) [1681]

**1708. Bonds**—The bonds of any such city, issued pursuant to the terms of this act, may be issued and sold from time to time as determined and authorized by ordinance or resolution adopted by the affirmative vote of two-thirds of all the members of the city council, or other governing body of such city, and shall be issued in such denominations and shall be payable at such times and at such place or places and in such installments as may be provided in such ordinance or resolution, and shall bear interest at not to exceed four per cent per annum, which shall be evidenced by coupons attached to such bonds, and such interest shall be payable at such times and at such place or places as may be specified in such ordinance or resolution. Such bonds shall be sealed with the seal of the city issuing them and be signed by the mayor and city clerk, or recorder, and such coupons shall be signed by the mayor and city clerk, or recorder; and such bonds shall not be sold for less than par value and accrued interest to the highest responsible bidder after notice published once in each week in a daily newspaper, if one there be in such city; if not, then in a weekly newspaper in such city, and also in a daily newspaper published in the city of St. Paul. A failure to publish said notices, however, shall not invalidate such bonds. ('05 c. 170 § 5) [1682]

**1709. Proceeds**—None of the proceeds of any of the bonds issued pursuant to the provisions of this act, nor any part thereof, shall be used for any other purpose than the purposes hereinbefore specified, which purpose or purposes shall be distinctly set forth in the ordinance or resolution authorizing the same. ('05 c. 170 § 6) [1683]

**1710. Limit of debt**—None of the bonds of any such city, issued pursuant to the terms and provisions of this act, shall be deemed or taken to be a part of the indebtedness of such city within the purview of any law limiting the amount of the bonded or other indebtedness of any such city, and the bonds authorized by this act may be issued notwithstanding and without regard to any limitation of the indebtedness of such city. Nevertheless, the full faith and credit of every such city is pledged to the full payment of all such bonds and interest. ('05 c. 170 § 7) [1684]

**1711. Public playgrounds**—That all cities in the state of Minnesota now or hereafter having not less than ten thousand and not more than twenty thousand inhabitants, whether incorporated under general or

special law, shall, in addition to all other powers now or hereafter given such cities by any law of this state, have power and authority to acquire and maintain public parks and public playgrounds and places of recreation for children, and to provide by ordinance or otherwise rules and regulations for the use, government and protection thereof, and to provide for the arrest and punishment of any person violating the provisions of any such ordinance. (11 c. 105 § 1) [1703]

1712. **Lands outside city limits, etc.**—The power of every such city to acquire lands for park purposes shall extend to the acquisition of lands lying outside of the corporate limits of any such city and contiguous to and adjacent to a park or parks of such city lying within its corporate limits. ('11 c. 105 § 2) [1704]

1713. **Cities empowered to make local improvements and to assess costs to property benefited**—That all cities in the state of Minnesota which now have or hereafter may have no more than fifty thousand (50,000) and not less than ten thousand (10,000) inhabitants are hereby authorized and empowered to fill, grade, curb, plank, pave, gravel and macadamize its streets, lanes, alleys and highways; to construct, lay, relay, enlarge and repair sidewalks, retaining walls, area walls, gutters, sewers and private drains; to construct, lay, relay, enlarge and repair service or supply pipes and branch pipes from any and all main lines of water, sewer and gas pipes, to the lines of the street or alley on either and both sides of said main lines, whether such main lines have theretofore been constructed or are then in process of construction, and to connect such service or supply pipes and branch pipes to such main lines; to build and place protection fences and railings along streets, alleys and highways for the safety of pedestrians; to plant, maintain and protect shade and ornamental trees along its streets, lanes, alleys and highways; to abate nuisances and to drain swamps, marshes and ponds and to fill the same in such cities; to sprinkle its streets, lanes, alleys, highways and public grounds with water and oil, and to saturate or treat the surface thereof with any kind of fluid, mineral or substance for the prevention of dust in the atmosphere or on the surface of such highways or grounds; and to provide either or both electric or gas, or any other means, lamp posts and fixtures and appliances for illuminating such portions of its streets as its city council may determine to specially light, and to levy assessments for the cost of all the improvements mentioned above upon property to be benefited by such improvements in the manner and as hereafter designated. ('01 c. 379 § 1; amended '13 c. 7; '13 c. 49; '19 c. 424 § 1)

1714. **Rates for gas or electric current to be prescribed**—That in addition to all other powers now conferred upon any cities of the third and fourth classes in the state of Minnesota, whether existing under a general or special law or under a home rule charter, any such city is hereby authorized and empowered, through its city council or like governing body, by ordinance, to prescribe from time to time the rates which any public service corporation supplying gas or electric current for lighting or power purposes within said city may charge for such service. Provided, that nothing herein shall be construed to impair the obligation of any contract or franchise provision now existing between any such city and any such public service corporation. It shall be the right and duty of any such council or governing body to prescribe a rate which shall permit any such corporation to make a reasonable return on the capital investment in the business, under an economical and efficient management of the same; and for the purpose of making such determination it shall be the duty of any such corpora-

tion, upon request by said council or other governing body, to give to any such council or other governing body or any authorized agent of such council or other governing body access to the books of any such corporation for the obtaining of such information as may be necessary and proper in the making of such determination. Provided, that in any case where any such corporation supplies gas or current for lighting or power purposes to customers outside the limits of any such city, any such city council in fixing the rates to be charged shall take into consideration the effect of such rates, if any, upon the rates to be charged to such customers living outside the limits of such city, but said city council shall not have power to fix the rates of customers supplied outside of the city limits. ('19 c. 469 § 1)

1715. **Fixing rates**—Such rates shall be prescribed only after hearing and twenty days' notice of the time and place of such hearing shall have been given to such public service corporation, which notice shall be served in the manner prescribed by law for the service of summons in district court. Such proceedings may be instituted by the council or other governing body of said city or upon petition of any such public service corporation, or upon petition of twenty-five per cent of the customers served by such corporation within such city, and failure on the part of such council or other governing body to make a determination as to such rates within sixty days after such petition is filed with the clerk of said city shall be deemed a denial of such petition and a determination adverse to such petitioners, provided, however, that such council or other governing body of such city shall not be required to act upon the petition of any such public service corporation which shall refuse to give such council or other governing body access to the books of such corporation and other information relative to the operation of the business of such corporation necessary and proper to the determination of such rates. In case of the failure or refusal of any such public service corporation to give to such council or other governing body access to the books of such corporation or other information relative to the business of such corporation necessary and proper for such a determination, such council or other governing body may proceed to determine and prescribe such rates upon such information and evidence as may be adduced at such hearing. The words "public service corporation" as used in this act shall be construed to include any person, co-partnership or corporation supplying gas or electric current for lighting, or power purposes to the public within any such city. ('19 c. 469 § 2)

1716. **Appeal—Right of appeal**—Any such city, public service corporation or person aggrieved by any such determination of rates shall have the right of appeal from such determination to the district court of the county in which such city, or any part thereof, is situate, at any time within twenty days after the filing of determination with the clerk of such city. Said appeal shall be made by filing with the clerk of such city a written notice of appeal specifying the determination of such council or other governing body from which the appeal is taken. Thereupon such city clerk shall make out and file with the clerk of such district court a copy of the determination of the council or other governing body from which such appeal is taken and of the notice of appeal, certified by such clerk to be true copies thereof, and shall transmit and file with the clerk of said court all papers in the case upon which such determination was made. There shall be no pleadings upon such appeal and the only question that shall be passed upon or considered shall be whether the rates prescribed by the determination of

such council or other governing body of such city were fair and just to such public service corporation and the consumers and would permit such public service corporation a fair and reasonable return on the capital investment in the business under an economical and efficient management of the same. Such appeals shall have precedence over all other civil cases, except tax cases, and during the pendency of such appeal and until final determination of such appeal by the courts, the rates fixed and prescribed by such council or other governing body shall be and remain in force. ('19 c. 469 § 3)

**LAWS AFFECTING CITIES OF THE THIRD CLASS**

Franchises to construct street railways in cities of the third class not under home rule charters ('05 c. 250). Board of water works commissioners in cities of the third class not under home rule charters, including assessments ('11 c. 21). Hospitals in cities of the third class not operating under home rule charters ('13 c. 215). Local improvements in cities, not under home rule charters, payment out of general fund ('13 c. 278). Bond issues for local improvements ('15 c. 58). Current tax for general expenditures in cities not under home rule charter ('15 c. 188). Cities of third class operating under a home rule charter are authorized to erect and maintain dams across streams navigable portions of which lie wholly within the state ('15 c. 198). Tax for musical entertainment ('15 c. 316). Bond issue for construction or repair of bridges not interstate or international waters ('17 c. 15). Acceptance of land without the state for park purposes ('17 c. 127). Validating indebtedness of special school district ('17 c. 138). Issuance of city hall bonds authorized ('17 c. 258). Tax levy for musical entertainments ('17 c. 426). Certain cities of third class authorized to transfer hospitals to county ('19 c. 267). Sewer bonds authorized ('19 c. 275). Filtration plant bonds authorized ('19 c. 276). Water works bonds authorized ('19 c. 277). Appropriation to Minnesota War Records Commission ('19 c. 288). Bonds for war memorial ('21 c. 257). Annexation of cities of fourth class to cities of third class for school purposes ('23 c. 35). Paving bonds ('23 c. 174). Tax for musical entertainment ('23 c. 337). Acceptance of gifts ('23 c. 395). War memorials ('23 c. 414).

**PROVISIONS RELATING TO CITIES OF FOURTH CLASS**

**1717. Incorporating land in adjoining county**—That any city, containing a population of ten thousand or less, whether incorporated by a general or special act, may include within its corporate limits, land (lands) which are not already incorporated, lying within an adjoining county and contiguous to the corporate limits of such city. Provided, however, that such lands shall not be within ten miles of any other incorporated city or village within this state; and provided further, that for the purposes of this act lands separated from such city by an intervening river shall be considered contiguous to the corporate limits thereof. ('05 c. 191 § 1)

**1717½. Proceedings — Jurisdiction acquired**—The city council of such city, desiring to include within its corporate limits lands lying within an adjoining county as provided in section one of this act, shall pass a resolution describing the land (lands) desired to be included within such corporate limits, which resolution shall be submitted to the town supervisors of the town in which the said lands are included and to the board of county commissioners in which said lands are situate. If the supervisors of such town and the board of county commissioners of such county shall approve the said proposed annexation by resolution duly made and entered on the minutes of the town and by resolution duly made and entered on the minutes of the board of county commissioners, a duly certified copy of the resolution, together with duly certified copies of the resolution of the board of supervisors and of the board of county commissioners, shall be filed in the office of the secretary of state and recorded in the office of the register of deeds of the county within which said city is situate and of the county within which said lands are situate, and a copy of such record duly certified by the register of deeds shall be filed in the office

of the secretary of state, and thereupon the said lands in said adjoining county shall become part of the said city for all purposes and be subject to the laws, ordinances and jurisdiction of said city for all purposes whatsoever, except as hereinafter provided. ('05 c. 191 § 2) [1729]

132-59, 155+1040.

**1718. Taxation—School districts**—No territory so acquired shall at any time be subject to taxation for any indebtedness of said city incurred at any time prior to the date of such annexation. If the boundaries of the special or independent school district existing in said city, shall by the law under which said school district is organized, be co-extensive with the limits of said city, then and in that case, the said territory so included within said corporate limits under this act, shall be construed to be part of the said school district, but shall not be subject to taxation for any indebtedness incurred by said school district before the date of such annexation. ('05 c. 191 § 3) [1730]

**1719. Consent required**—No such territory shall be annexed, however, unless the majority of the owners thereof shall consent thereto in writing. ('05 c. 191 § 4) [1731]

**1720. Detachment of lands—Petition—Notice**—The owner of any unplatted tract of land containing not less than forty acres, included within the corporate limits of any city in this state containing 10,000 inhabitants or less, and used and occupied exclusively for agricultural purposes, may petition the district court of the county in which such tract of land is situated for a decree detaching such tract of land from such city. Upon the filing of such petition the court shall fix a time for the hearing thereon which shall not be less than thirty days from the date of the filing of such petition; and the petitioner shall serve or cause to be served a notice of such hearing upon the mayor or city recorder of such city at least twenty days before the time fixed for such hearing, and shall also cause a copy of such notice to be published in a newspaper, published in said city, at least two weeks before the time so fixed for such hearing. ('07 c. 221 § 1) [1732]

1907 c. 221, is constitutional (104-378, 116+922; 105-84, 117+157).  
Held not applicable to borough of Belle Plaine (105-84, 117+157).  
If the court finds the facts authorizing it, it has no discretion to refuse a decree detaching such land (104-378, 116+922; 116-454, 134+121).  
Cited (112-330, 127+1118).

**1721. Hearing and decree**—If, upon the hearing, the court shall find that such tract of land is of the nature and quantity as hereinbefore set forth, and that it may be detached from such city without unreasonably affecting the symmetry of the settled portions of such city, it may grant such decree, and said tract of land shall thereon become detached from such city and shall thereafter form a part of the township in which it was originally situated, and shall in all things be subject to the town government of such township ('07 c. 221 § 2) [1733]

**1722. Existing indebtedness**—Such separation from said city shall not release any such tract of land from its liability on account of any outstanding bonded indebtedness of such city existing at the time of its separation therefrom, and in order that such detached territory shall pay its proportionate share of such outstanding indebtedness and any renewal of such indebtedness or extension thereof and interest thereon, the common council of such city in cases where such territory has heretofore been detached, or hereafter shall be detached under this act, shall each year, at the time of levying the various taxes for city purposes, levy upon the taxable property of such city, and upon

1716 Note  
25 — 215  
23-G.S. 5348

1716 Note  
25 — 279  
23-G.S. 1828N

1716 Note  
27 — 124

1716N  
29 — 57  
29 — 176  
29 — 299

1717 Et seq.  
5 — 382  
5 — 383

17 Et seq.  
— 167  
-NW 309

1717Etseq.  
29 — 244

1718  
Art. 4§33  
25  
204-NW 1

1720  
241nw 500  
23 — 23  
155-M 41  
193-NW 94  
23-G.S. 278

1720-25  
27 — 1  
65 Sp.— 2  
167-M  
209-NW  
209-NW

1722-R  
27 — 12

the taxable real estate within such detached territory, taxes sufficient to pay such outstanding bonded indebtedness or any renewal or extension thereof and interest thereof due and payable in any year, and the county auditor shall place the same upon the tax list in such city in the same manner as other taxes therein, and upon such detached real estate in such detached territory, upon the tax list in the taxing district where the same is then situated in the same manner as other taxes therein, and such taxes shall be collected with and in like manner as county and state taxes are paid, and payment thereof enforced, and the county treasurer shall pay such taxes when collected over to the treasurer of such city in the same manner as other city taxes are paid over. ('07 c. 221 § 4; amended '11 c. 197 § 1) [1734]

**1723. Agricultural lands may be detached from cities**—The owners of 75 per cent, or more, of any contiguous unplatted tracts or parcels of land containing not less than 300 acres, included within the corporate limits of any city in this state, containing 10,000 inhabitants or less, and used and occupied exclusively for agricultural purposes, may petition the district court of the county in which such tracts and parcels of land are situated for a decree detaching such tracts and parcels of land from such city. Upon the filing of such petition the court shall fix a time for the hearing thereon which shall not be less than thirty days from the date of the filing of such petition; and the petitioner shall serve or cause to be served a notice of such hearing upon the mayor or city clerk of such city at least twenty days before the time fixed for such hearing ('23 c. 417 § 1)

**1724. Court to order tracts detached**—If, upon the hearing, the court shall find that such tracts and parcels of land are of the nature and quantity as hereinbefore set forth, and that they may be detached from such city without unreasonably affecting the symmetry of the settled portions of such city, it may grant such decree, and said tracts and parcels of land shall thereupon become detached from such city for all purposes as effectively as if they had never been a part thereof. ('23 c. 83 § 2)

**1725. Detached part to become part of township**—Where there is no organized town or township government in the town from which said lands were detached exclusive of the city government of such city, it shall be the duty of the board of county commissioners of the county in which said lands are situated to attach any part or all of said lands so detached from such city by the decree of the court made under the provisions of this act to any towns or townships adjoining said lands and within the said county and thereafter said lands shall, in all things, be subject to the government of the township to which they are so attached. ('23 c. 83 § 3)

**1726. Not to affect other statutes**—The provisions of this act shall be supplemental to and in addition to the provisions of Sections 1732, 1733 and 1764 of the General Statutes of 1913, and shall not in any way supersede the provisions of the last aforesaid section of the General Statutes of 1913. ('23 c. 83 § 4)

**1727. Taxes for general purposes**—That the governing body of any city of the fourth class in this state be and the same is hereby authorized to annually levy taxes against the taxable property in any such city for all general city and municipal purposes, not exceeding twenty-five mills on the dollar of the assessed valuation of said city. In case any such city is operating under any special law or under any form of charter which authorizes such city to levy taxes for general city and municipal purposes in excess of twenty-five

mills on the dollar, the provisions of this bill shall not limit any such city. ('11 c. 318 § 1) [1735]

**1728. Salaries of mayor and council—Submission to voters**—That in all cities in this state having a population not to exceed ten thousand inhabitants the common council of such cities may, prior to any annual city election, to be held therein hereafter, pass a resolution fixing the annual salaries of the mayor and the members of such common council; at not to exceed one hundred dollars per annum for each of said officers, and said common council shall cause notice thereof to be given to the voters of such city in the notice of the annual city election, and the recorder of such city shall place upon the official ballot of said city, to be used therein at said annual city election the proposition "in favor of paying the sum of \$... as salary to the mayor and each member of the common council," and also the proposition "against paying the sum of \$... as salary to the mayor and each member of the common council." That said recorder shall place the amount of money in each of the above propositions on said ballots, as said common council shall determine by resolution, as aforesaid, but not to exceed one hundred dollars. That the voters of said city, at such annual city election shall vote for or against the proposition of paying the mayor and the respective members of the common council as salary the amount placed upon said ballot, as aforesaid, and if a majority of the voters of said city voting on said proposition shall vote in favor of the paying of said salary then said proposition shall be deemed carried, and said mayor and each member of said common council shall be entitled to be paid out of the city treasury the sum so voted for, as an annual salary for services to be rendered by them thereafter. That said amount voted for annual salary of said officers shall thereafter be paid to each of said officers as their annual salary until otherwise changed by a vote of the legal voters of said city as herein provided for fixing said salaries. ('05 c. 301. § 1) [1736]

**1729. Votes, how cast, etc.**—That the voter wishing to vote for or against the proposition of paying said amount for salary to the said officer shall place a cross mark (X) opposite the proposition for which he intends to vote. All the cotes cast for or against said proposition shall be canvassed, counted and returned to the city recorder, the same as the votes are for city officers in said city. ('05 c. 301 § 2) [1737]

**1730. To what cities applicable**—This act shall apply to all such cities herein mentioned, whether incorporated under a general or special law, but nothing herein contained shall be construed to apply to any municipality now operating under a home rule charter. ('05 c. 301 § 3) [1738]

**1731. Parks**—That any city of this state, now or hereafter having a population of not more than ten thousand inhabitants, is hereby authorized and empowered, in addition to the other powers conferred upon it by law, to acquire by gift, purchase, devise, condemnation or lease, lands within its corporate limits, or lands contiguous to such city, and lying outside of its corporate limits, not exceeding fifty acres in extent of area, for use by the public for a park, and for park purposes, and may provide for the improvement thereof by the planting and preservation of trees and shrubs, by inclosing, ornamenting and protecting the same, and in such other ways as may be necessary to make such lands suitable for the uses of a public park. ('05 c. 335 § 1) [1739]

**1732. Park board—Powers and duties**—That the city council of every such city may by a majority vote create a park board for such city, to be composed of three members, to be chosen by said council for terms



of one, two and three years respectively, all of whom shall be free holders and residents of such city, and who shall serve without compensation. Such park board shall be authorized and empowered, for and on behalf of and in the name of such city, to acquire by gift, purchase, devise, condemnation or lease, the land to be held and used for park purposes, and shall provide for the improvement thereof as specified in section one of this act. Said park board shall have general supervision, management and control of such park and may appoint a suitable person to care for and take charge of the same, and may prescribe his duties and fix his compensation therefor. ('05 c. 335 § 2) [1740]

1733. Annual appropriation—That for the purposes of carrying out the provisions of this act the city council of every such city may appropriate annually out of any of the revenues of the city received from taxes, saloon or other licenses and fines, a sum of money not exceeding ten per cent of such revenues, the money so received to be disbursed for the purposes herein mentioned, in such manner and subject to such rules and regulations as said city council or said park board shall direct. ('05 c. 335 § 3) [1741]

1734. Not to apply to cities under home rule charters—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section thirty-six, article four of the constitution of this state, as amended, and chapter three hundred and fifty-one of the General Laws of 1899 and the several acts amendatory thereof. ('05 c. 335 § 5) [1742]

1735. Park board may furnish entertainment—That any city of this state having a population of not more than 10,000 inhabitants and in which said city a park board has been created, may authorize said park board, in addition to the other duties, to furnish educational or musical entertainment for its inhabitants. ('11 c. 165 § 1) [1743]

1736. Appropriation—That for the purpose of carrying out the provisions of this act the city council of every such city, may appropriate annually out of the revenues of the city received from taxes, a sum of money not exceeding two hundred (200) dollars, the money so received to be disbursed for the purpose herein mentioned, in such manner and subject to such rules and regulations as said park board shall direct. ('11 c. 165 § 2) [1744]

1737. Entertainment tax—The governing body of any city of the fourth class in this state operating under a home rule charter or commission form of government, is hereby authorized to annually levy a tax not exceeding one mill on the dollar against taxable property in such city for the purpose of providing musical entertainments to the public in public buildings or upon public grounds; provided, that if the governing body in any such city shall by resolution determine that the funds in the city treasury available therefor are insufficient to furnish proper musical entertainments as herein provided during the year 1919, it may in said year levy a tax not exceeding two mills on the dollar against the taxable property in such city, and issue warrants during said year to meet the expenses of such entertainments, said warrants to be paid as soon as there are funds available therefor in the city treasury; provided, however, that said warrants shall not exceed in the aggregate an amount equal to a tax of one mill on the dollar of the taxable property in such city. Provided, however, that in any such city the total sum that may be levied or expended in any year shall not exceed the sum of \$2,500.00. ('13 c. 329 § 1; amended '19 c. 518 § 1) [1745]

1738. Park districts—Provisions, how availed of—Any incorporated city in the state of Minnesota having

a population of less than ten thousand inhabitants may by a two-thirds vote of its council by yeas and nays at a regular meeting thereof, take advantage of the provisions of this act. ('09 c. 486 § 1) [1746]

1739. Ordinance—Submission to voters—Ballots—Any city desiring to take advantage of this act shall do so by the ordinance expressing its intent and desire so to do, whereupon the territory embraced in such city shall be deemed and it is thereby declared to be a park district of the state of Minnesota. But before such resolution or ordinance shall take effect the same shall be submitted to the electors of such city at a regular city or special election and approved by a majority of those voting thereon. The ballots may be substantially as follows, to-wit:

"For the creation of a park district to be known as 'Park District of the State of Minnesota' and creating a board of park commissioners, and providing for the government thereof;"

Or "Against the creation of a park district to be known as 'Park District of the State of Minnesota' and creating a board of park commissioners, and providing for the government thereof." ('09 c. 486 § 2) [1747]

1740. Park districts, how known—Powers—Each park district so created shall be known as "Park District of the City of ....." and as such shall have a seal and perpetual succession, with power to sue and be sued, contract and be contracted with, acquire by purchase, gift, devise or otherwise and hold, own, possess and maintain real and personal property in trust for the purpose of parks, boulevards and ways and to exercise all the powers hereinafter designated or which may hereafter be conferred upon it. ('09 c. 486 § 3) [1748]

1741. Board of park commissioners—Membership and qualifications, etc.—The powers of such park district shall be exercised by a board of park commissioners consisting of five members who shall hold office for the period of five years from and after the date of their election and qualification and until their successors are duly elected and qualified except the members of the first board, who shall hold office as follows: One member until one year from the last mentioned date, one member until two years from the last mentioned date, one member until three years from the last mentioned date, and one member until four years from the last mentioned date. The members of the park commissioners shall qualify by taking and filing with the clerk or recorder of the city the oath prescribed by law. The city treasurer shall be ex-officio treasurer of the park district, he shall take the oath prescribed by law and shall furnish such bond as may be required by the commission. The members of the commission shall be elected by qualified electors of the park district at the annual city election, shall qualify within ten days of this election, and shall within twenty days after said election organize by the selection of a president, vice-president and secretary. The first board may be elected at a regular annual city election or at a special election called for that purpose by the city council. The members of the board shall receive no compensation for their services as such and shall have the qualifications of electors of such district. They shall not be interested in any contract entered into by said commission. Vacancies on such board shall be filled by the board until the next regular election of members of the board, when such vacancies shall be filled by election. Removal of residence from the park district by any member of the commission shall create a vacancy. ('09 c. 486 § 4) [1749]

1742. Powers of commission—The park commission shall have power:

1737  
246nw 547

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1742 Et s  
27

1. To acquire by purchase, gift, devise, condemnation or otherwise, land within its territorial limits or within two miles therefrom, for parks, boulevards and ways, and shall have sole and exclusive authority to maintain, govern, erect and improve the same.

2. To lay out, open, grade, curb, pave and otherwise improve any path, way or street, in, through, or around said parks and to construct, erect, build, maintain, manage, govern and erect any and all buildings, pavilions, play and pleasure grounds or fields and such other improvements of a like character as may be deemed necessary.

3. To pass all ordinances necessary, requisite and needful for the regulation and government thereof, and to make, change and enforce any order with reference thereto.

4. To levy special assessments on all property specially benefited by the purchase, opening, establishment and improvement of such parks, boulevards, and ways or streets or ways about the same.

5. To appoint such engineers, surveyors, clerks and other officers and employes, including such police force as may be necessary and to define and prescribe their respective duties and authority and to fix their compensation.

6. To issue the negotiable bonds of the park district in a sum not to exceed two per cent of the value of the taxable property therein situated, for the sale [sole] and exclusive purposes of purchasing and acquiring lands for such parks, boulevards and ways, and for the permanent improvement thereof, including the erection and construction of buildings, pavilions, play and pleasure fields, provided such bonds shall not bear a rate of interest to exceed six per cent and provided, further, that upon the affirmative vote of the electors of such district as by law provided, such commission may be authorized to issue such bonds in an amount in the aggregate not to exceed five per cent of such assessed value.

7. To levy taxes upon all the property within said district for the purpose of maintaining and improving said parks, boulevards and ways and to defray the expenses of such board; provided, that such tax so levied shall in no year exceed the sum of five mills on each dollar of the taxable property within said district.

8. To establish building lines for all property fronting on any park, boulevard or way under the direction and control of such commission, and to control the subdivision and platting of property within four hundred feet thereof.

9. To borrow money in anticipation of taxes already levied to defray the expenses of the year and to issue therefor the notes of obligation of the district.

10. To connect any park or parks owned or controlled by it with any other park or parks, and for that purpose to select and take charge of any connecting street or streets or parts thereof, and the said park commission shall have sole and exclusive charge and control of such street or streets so taken for such purpose. ('09 c. 486 § 5 [1750])

**1743. Meetings — Ordinances — Contracts—Claims, etc.**—The park commission shall hold a regular meeting on the first Tuesday of each month at such hour as it may by rule designate, and such special meetings as it may deem necessary. Special meetings may be called by the president and must be called by him upon the request in writing of two members of the board. The commission shall have power to adopt rules of procedure as it may deem necessary. The powers of the commission shall be exercised by ordinance unless otherwise provided. All ordinances shall be read twice and at least eight days shall intervene between the readings. They shall be adopted by

yea and nay vote and shall be approved by the president and published in the official newspapers of the city and shall go into effect upon such publication. The enacting clause of all ordinances shall be as follows: "Be it enacted by the park commissioners of the park district of the city of . . . . ., state of Minnesota;" the yea and nay vote shall be taken on all propositions involving the expenditure of money, and levying of taxes or the issuance of bonds or other certificates of indebtedness. All contracts shall be let to the lowest responsible bidder after advertisement in the official newspaper of the city for three successive weeks, once in each week, provided, that such commission shall have the power to reject all bids. All contracts shall be in writing and signed by the president and clerk of the board and unless so executed shall be void. At no time shall the debt of the park district exceed five per cent of the taxable property within the district, according to the last preceding assessment. No bill, claim, account or demand against the district shall be audited, allowed or paid until a full itemized statement in writing properly verified shall be filed with the park commission. All claims against the park district arising out of negligence shall be in writing and verified by the claimant, and shall obtain a full, clear and concise statement of the transaction out of which it is alleged to arise giving time, place, extent of injury or damage, and shall be filed within thirty days from the date thereof with the clerk of the board. No action shall be maintained unless begun after thirty days and within six months from the date of the filing of the claim. ('09 c. 486 § 6) [1751]

**1744. Jurisdiction of municipal court, etc.**—The municipal court of the city shall have exclusive jurisdiction to try and determine all causes of action for violation of the rules or ordinances enacted by the board and the procedure therein with the right of appeal, shall be as prescribed by general law. ('09 c. 486 § 7) [1752]

**1745. General laws, when applicable**—In the issuing of bonds, warrants, certificates of indebtedness and in levying any tax or special assessment and in otherwise carrying out, enforcing or making effective any of the powers herein granted, the park commissioners and their officers and the park district shall be governed by and shall follow the laws enacted for the government of cities, except as herein specially provided. ('09 c. 486 § 8) [1753]

**1746. Parking lake shores—Donations—Contracts for water and ice**—That all cities of the fourth class and the city councils of the same, in addition to all powers now possessed by such cities, shall have the power to dredge lakes wholly or partly within the corporate limits of such cities, to park the shores thereof, maintain a water level in such lakes and expend money therefor.

Such cities are also given the right to accept donations from any person, firm or corporation to aid in defraying such expenses, and such cities and the city councils thereof shall have the power to make contracts with any person, firm or corporation for the taking of water and ice from such lake upon such terms and conditions as may be agreed upon between such city council and the person, firm or corporation acquiring the right to the use of said water and ice. ('13 c. 331 § 1) [1754]

**1747. Water frontage tax**—The city council of any city having a population of ten thousand inhabitants or less shall have power to levy a water frontage tax upon every lot, piece or parcel of land in front of which water pipes are or thereafter shall be laid. ('09 c. 174 § 1) [1755]

1748. Amount of tax—Lien—That the annual tax or assessment shall not exceed ten cents per lineal foot of the frontage of such lot, piece or parcel of land and which shall be a lien upon such lot, piece or parcel of land and shall be collected as hereinafter provided. That no property shall be subject to such tax or assessment after ten such annual tax or assessments have been levied against it. ('09 c. 174 § 2) [1756]

1749. Petition of property owners—The common council of such cities shall proceed upon the petition of the property owners of the property fronting on the street of the proposed main, but the consent and signature of three owners of any platted block shall be sufficient. ('09 c. 174 § 3) [1757]

1750. Notice—Power of council—Assessment—The common council shall thereupon give ten days' notice by publication of such proposed tax levy of such proposed water frontage tax, and if a majority of the common council are of the opinion that such improvement is necessary and proper, the common council shall make an assessment upon the property which fronts upon the proposed water main; such assessment shall state the amount per foot levied, the name of the owners or reputed owners and the lot and block number. ('09 c. 174 § 4) [1758]

1751. Delinquent taxes—Annual statement—Extension of tax, etc.—That the common council shall make up, on or before the first day of October in each and every year, a detailed statement, duly certified to by the mayor and city clerk of such city, under the seal of said city showing the delinquent frontage taxes for the year preceding and ending on the first day of January following, which statement shall be transmitted by the city clerk to the county auditor of the county as delinquent taxes for collection. Thereupon it shall be the duty of the county auditor to extend the same on his rolls against the property in said statement as aforesaid for collection, and if not paid within the time prescribed by law then the same shall become a lien upon the real estate, and said real estate shall be subject to all the penalties and charges as property delinquent for taxes. ('09 c. 174 § 5) [1759]

1752. Moneys collected—Water fund—All moneys collected or paid into the treasury of the county on account of such assessments or taxes shall be paid over from time to time to the respective cities wherein such frontage taxes is levied for the use of the water fund, and all moneys that are collected shall be kept separate and distinct and be put into the water fund to be kept by the respective cities separate and distinct in maintaining, constructing, repairing or leasing water systems within their corporate limits. ('09 c. 174 § 6) [1760]

1753. Contracts for water from other cities—Mains—Provisions applicable—The common council of any city containing a population of ten thousand inhabitants or less may enter into contracts and agreements with any adjoining municipality, which has water system, water commission or water board, for the furnishing of water to the citizens of said city, containing ten thousand inhabitants or less, for the laying of water mains in the streets of such city, containing ten thousand inhabitants or less, by the said adjoining municipality, the water commission or water board thereof. And upon the making of such agreement or contract, or upon permission to that effect being given by the common council of such city, containing ten thousand inhabitants or less, the said adjoining municipality or its water board or commission may lay said water mains, under the direction of said common council, and furnish water to the citizens of said city containing ten thousand inhabitants or less. All the provisions of this act relative to frontage tax, petitions, notice, tax

levy, assessment, statements relative to delinquent frontage taxes, the collection thereof, and the other provisions hereof shall be followed in such cases the same as if such water was furnished directly by said city, containing ten thousand inhabitants or less, from a water plant owned and controlled by said city itself. ('09 c. 174 § 7) [1761]

1754. Waterworks and light plants—Whenever at any general or special election, held in any city in the class hereinafter mentioned, the electors thereof by an affirmative vote of three-fifths of the legal voters, voting thereat, so determine, each city in the State of Minnesota, having ten thousand inhabitants or less or existing under special or general law, or under a home rule charter is hereby authorized and empowered, in addition to all powers to issue bonds conferred upon it by its city charter, or by virtue of any general or special law, and in addition to all other bonds that it is by law authorized to issue, to issue its bonds in the aggregate amount hereinafter mentioned to be determined as hereinafter set forth and to dispose of the same as hereinafter provided, and to use the proceeds thereof for the purpose of acquiring, constructing, extending, enlarging, improving or purchasing municipal waterworks, or light, or power plants or either or all or any part thereof, and the lands or flowage rights therefor whether the whole or any part of such plant or the land or flowage rights therefor is situate within or without the corporate limits of the city, but in each case the said city may either acquire such waterworks system or light or power plants or any part or portion thereof or any or all lands or flowage rights necessary therefor by purchase at such price not exceeding its fair value and on such terms as may be agreed on between said city and the owner or owners thereof or by condemnation. The procedure in the event of condemnation shall be that prescribed by Chapter 41, General Statutes of 1913, and any amendments thereof or that prescribed by said city charter and the purchase price of said plant or system or portion thereof, or lands or flowage rights as so fixed by agreement or condemnation may be paid out of the proceeds of the bonds by this act authorized to be issued and the balance of the proceeds, if any, may be used for extension, enlargement or improvement of such plant or plants so acquired. ('09 c. 43 § 1; amended '17 c. 134 § 1) [1762]

1755. Powers of council—Submission to voters—Notice—Whenever the city council of any such city, at a regular called meeting thereof, determine by resolution, duly adopted, by a three-fourths majority vote of all the members thereof, entered upon the minutes of the proceedings, that it is necessary either to acquire by purchase or condemnation, water works or light plants already in existence, or construct, extend, enlarge, or improve a municipal water or light plant, or either or all thereof, as the case may be, and that the funds in the treasury of said city available therefor, are not sufficient for such purpose, and that it is necessary to issue the bonds of such city in an amount to be determined by such city council in such resolution, not exceeding in the aggregate fifteen (15) per cent of the assessed valuation of the taxable property of such city according to the last preceding assessment thereof, such city council may cause the proposition of issuing such bonds, in such an amount, to be submitted to the electors of such city at any general or special election to be held therein. Such resolution shall fix the time of said voting, if the same be submitted at a special election, which shall be not less than ten (10) days after the date of the adoption of said resolution, and said special election shall be conducted as provided by law for general elections. The

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notice of such election at which said proposition is to be submitted, whether general or special, shall contain a statement, of the total amount of the principal of said bonds, and the purpose to which it is proposed to put the same. ('09 c. 43 § 2; amended '11 c. 289 § 1) [1763]

1756. **Election, how conducted**—In voting upon such proposition those in favor of issue of bonds, shall have written or printed, or partly written and partly printed on the ballots used, the words "Issue of Bonds," "Yes," "No," and each elector voting on such proposition shall make a cross mark thus: (X) in one of the two spaces left for the purpose, upon the margin of the ballot used as provided in section twenty-eight, chapter four, General Laws of Minnesota for 1893. The elector desiring to vote in favor of issuing bonds shall make a cross mark thus: (X) in the place left opposite the word "Yes," and the elector desiring to vote against the issuing of bonds, shall make a cross mark thus: (X) in the place so left opposite the word "No," and no ballot shall be counted on said proposition except those having said cross mark (X) opposite one only of said words "Yes," "No." The voting shall be conducted in the same manner as provided by law for the election of city officers, and shall be counted, returned and canvassed in the same manner, as provided by law for the election of city officers, and if upon such canvass it appears that a three-fifths majority of all the votes cast upon said proposition, shall be in favor of issuing bonds, the same may thereafter be issued in accordance with the provisions of this act, but not otherwise. ('09 c. 43 § 3) [1764]

1757. **Bonds, when issued**—Whenever the electors of any such city at any such election shall declare in favor of issuing the bonds of such city hereunder, such city, and the city council thereof, is hereby authorized and empowered by an affirmative vote of three-fourths of the members of such city council, to issue the bonds of said city, in an amount to be determined by said city council, not exceeding in the aggregate the amount contained in the said proposition, adopted by the electors at said election, and such city council may dispose of the same, as hereinafter provided, and may use the same and the proceeds thereof for any of the purposes which the resolution provided for in section two [1763] of this act shall specify, but not otherwise. ('09 c. 43 § 4) [1765]

1758. **Bonds, denominations**—Such bonds shall be of such denomination as the city council may determine, shall be payable at such place as the city council may designate; at such times, not more than thirty years from date of issue, as the city council may determine; shall be made payable to bearer, or to the order of the person or corporation to whom they may be delivered, as such city may deem best, and shall draw interest payable semi-annually, at such place as the city council may determine, at a rate not exceeding five per cent per annum, to be represented by coupons attached to said bonds. Said bonds and coupons shall be signed by the mayor and attested by the clerk, or similar officer, or recorder of such city, and the corporate seal of the city shall be imprinted upon said bonds. ('09 c. 43 § 5; amended '17 c. 507 § 1) [1766]

1759. **Bonds, how disposed of**—The city council of any such city shall have authority by a majority vote of all its members to dispose of such bonds in such manner as in the judgment of said city council shall best subserve the interest of the city, but it shall not negotiate the sale, dispose of, nor sell said bonds, nor any of them, at less than their par value and accrued interest, and neither the said bonds or the proceeds of the sale thereof shall be used for any other purpose than specified in said resolution contemplated by sec-

tion two [1763] hereof, and such purpose shall be again distinctly stated in said resolution of said council authorizing the issuance thereof. ('09 c. 43 § 6) [1767]

1760. **Lien of bonds, etc.**—The principal and interest of any such bonds so issued is hereby declared to be a first lien upon the municipal water works or light plants respectively constructed or acquired by means of said bonds or the proceeds of the sale thereof, and the faith and credit of such city issuing the same is hereby irrevocably pledged to the payment thereof, any provision of the law of this state, whether general or special, or by virtue of said chapter three hundred and fifty-one, as amended, of the General Laws of Minnesota, for the year eighteen hundred and ninety-nine, to the contrary notwithstanding. ('09 c. 43 § 7) [1768]

1761. **Extension of electric lines**—That the common council of any city, in this state, having a population of ten thousand or less and owning and operating an electric light plant, are hereby authorized and empowered to extend the lines, wires and fixtures of its plant to and into any incorporated village lying within three miles of the limits of said city, with the consent of the council or other governing body of said village and to appropriate and expend money therefor. ('09 c. 218 § 1) [1769]

1762. **Powers of city council**—Said common council is also authorized and empowered to make such contracts and arrangements with person or persons, village or villages to and in which their electric light line may be so extended, necessary for the proper extension, operation and maintenance of said line, the collecting of compensation for the light or current, and service that may be furnished thereby, and for the reimbursement of the cost of such extension. ('09 c. 218 § 2) [1770]

1763. **Use of streets**—Contracts—That the village council or other governing body of any village to which an electric line may be extended pursuant to this act, are hereby authorized and empowered to grant to such city making such extension, the right of the use of the streets, alleys, and other public grounds of such village for the erection, operation and maintenance of such line for said purpose, and to make contracts and arrangements for the lighting of such village thereby and the payment therefor. ('09 c. 218 § 3) [1771]

1764. **Purchase of electricity**—That any city of this state now or hereafter owning an electric light and power plant and now or hereafter having a population of ten thousand (10,000) inhabitants or less, shall be authorized and empowered to enter into a contract or contracts for the purchase by such city of electricity for the purpose of operating such electric plant, upon such terms as may be approved by a two-thirds vote of all of the members of the governing body thereof; Provided, that such contract or contracts shall not be made to run for a period exceeding fifteen (15) years. ('13 c. 103 § 1) [1772]

1765. **Obligation not indebtedness**—The obligation incurred by any such city in the making of such contracts shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing a limit of indebtedness for such city. ('13 c. 103 § 2) [1773]

1766. **Changing of electric street lighting system**—Whenever a petition shall be presented to the common council or any other governing body of any city of the fourth class in this state, whether operating under a home-rule charter or the general laws of this state, which petition asks that said city council change the plan or system of electric street lighting or any part thereof in use in said city, or change the equipment for

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electric street lighting in use in said city at the time of presenting said petition and such petition is signed by the owners of a majority in area of the real estate of such city, which may be deemed by said common council to be specially benefited, then and in such case the said common council or other governing body may make such investigation as to the advisability, expediency and feasibility of the doing of the things asked in said petition as it deems necessary, and, if it deems it advisable, expedient and feasible to do them or any of them, it may and is hereby authorized and empowered to grant such petition or any or all of its requests at its discretion. ('17 c. 180 § 1)

§ 3 repeals '15 c. 263.

**1767. Special assessment**—In case such petition shall be granted and to the extent rendered necessary by the granting of the same in whole or in part, the said common council or other governing body may levy and collect by special assessment the entire or a portion of the cost and expense of such change, alteration, replacement, reconstruction or installment against such real estate as may, in the judgment of said common council, derive special benefits therefrom. ('17 c. 180 § 2)

**1768. Heating plants**—Any city of this state having a population of not more than 10,000 inhabitants, or any village in this state, is hereby authorized and empowered:

(a) To grant to any person, persons, company or corporation, the right of the use of the streets, alleys and other public grounds of such city or village for the erection, operation and maintenance of any heating system to furnish heat to the inhabitants of such city or village, the same to be on such terms and subject to such conditions as the governing body of such city or village shall determine, including therein the right to sell to such person, persons, company or corporation, at a profit to such city or village, any steam generated or water heated by any plant owned and operated by such city or village, and to make contracts and arrangements for the furnishing of heat to the inhabitants of such city or village thereby, and for the regulation and control of such heating system.

(b) To grant to any person, persons, company or corporation the right of the use of the streets, alleys, and other public grounds of such city or village for the installation, without any expense to such city or village of pipes, conduits, and other equipment necessary and incidental to the construction, operation and maintenance of a heating system to furnish heat to the inhabitants of such city or village, the same to be on such terms and subject to such conditions as the governing body of such city or village shall determine, including the right to make all necessary and incidental contracts and arrangements for the furnishing of heat to the inhabitants of such city or village, at a profit to such city or village, from any steam generated or water heated by any plant owned and operated by such city or village, including the right to acquire, own, operate and enlarge the heating system after the same shall have been installed, and including the right to issue certificates of indebtedness of such city or village payable in heat to be sold by such city or village; any such city or village in which there is now in operation, or in which there may be hereafter in operation a municipal electric light and water plant, or either, may agree with any such service company which the city or village may authorize to furnish steam or hot water heat to its inhabitants, to supply from such municipal plant to such company, upon such terms as may be mutually agreed upon between the city or village and the company, the necessary steam or hot water or both to be supplied to the patrons of the company, and

by such agreement may provide for joint approval of plans, joint supervision of construction and ascertainment and determination at the time of completion of the cost of the company's plant, and by such agreement may fix and establish the rates to be charged to the company's patrons for the heat supplied, the charges to be billed to and collected from the consumer either by the city or village or the service company, as agreed upon, the revenue received therefrom to be apportioned and divided between the city or village and the company upon such reasonable and proper basis of division as they may agree upon with appropriate provision for the purchase of the company's plant by the city or village at cost, plus reasonable interest thereon, and the payment therefor from the moneys received and accumulated by the city or village as its share of the derived revenues.

(c) Any such city or village in which there is already constructed, or in which there may be hereafter constructed any such heating system not owned by the city or village is authorized to acquire such existing heating system by purchase at such price not exceeding its fair value and on such terms as may be agreed on between such city or village and the owners of such system, and in order to provide the funds for such purchase the city or village council or other governing body, by whatever name denominated, is hereby authorized to issue and sell the bonds of such city or village to such an amount as may in its judgment be necessary for the purpose, said bonds shall be in such form and denomination, shall bear such rate of interest not exceeding six per cent per annum, payable semi-annually, and shall become due and payable at such time or times, not more than twenty years from their date, all as the city or village council or other governing body shall determine. Said bonds shall be signed by the mayor, and countersigned by the clerk if issued by such a city, and shall be signed by the president of the village council and countersigned by the clerk or recorder, if issued by any such village, and shall be sold for not less than par and accrued interest. ('17 c. 122 § 1, amended Ex. Sess. '19 c. 25; '21 c. 108 § 1)

**1769. Not part of indebtedness**—The obligations incurred by any such city or village in the making of such contracts and arrangements shall not be considered as a part of its indebtedness under the provisions of its governing charter or of any law of this state fixing the limit of indebtedness for such city or village. The powers conferred by this act are additional to all other powers conferred by law, and the amount of any bonds issued hereunder at any time outstanding shall not be included in determining any such city's or village's net indebtedness under the provisions of its charter or of any other applicable law. ('17 c. 122 § 2; amended Ex. Sess. '19 c. 25; '21 c. 108 § 2)

**1770. Application**—This act shall apply to all cities of the indicated class whether organized under general or special laws, including those operating under home rule charters and to all villages having a population of not more than 10,000 inhabitants, whether organized under general or special laws. (Ex. Sess. '19 c. 25 § 3; amended '21 c. 108 § 3)

**1771. Rates for electric service**—In all cities of the fourth class in this state where any person or corporation sells, conveys or delivers electricity or electric current that is manufactured, created or obtained in another state and where such person or corporation occupies or uses any of the streets, alleys or public grounds of such city for the purpose of erecting or maintaining any towers, masts, poles, wires or conduits therein for the purpose of conveying or conducting electricity or electric current, or conducts or conveys electricity or electric current into or through such city,

without having a written franchise, license or authority from such city therefor, the city council or governing body of such city may, by resolution, at any regular or special meeting thereof, name, fix and regulate an amount in money that such person or corporation shall pay into the city treasury of such city each month for the privilege of so doing, or so using such streets, alleys or public grounds. ('15 c. 311 § 1)

**1772. Resolution to fix amount**—Such resolution shall state and fix the amount of such monthly payments and the time and manner of paying the same and the amount so stated and fixed shall be a legal charge against any such person or corporation and may be recovered by such city in a civil action in any court having jurisdiction. ('15 c. 311 § 2)

**1773. Vested rights not granted**—Nothing herein contained shall be construed as granting to any such person or corporation any vested rights, license or authority in such city, or to prevent any such city from at any time causing the removal from the streets, alleys and public grounds thereof of any and all towers, masts, poles, wires or conduits, of such person or corporation. ('15 c. 311 § 3)

See also '19 c. 469.

**1774. Roads, bridges, etc., in cities in two or more counties**—In all cities of the fourth class situated in two or more counties the common council or other governing body shall have exclusive power to expend all moneys arising from taxation for roads, bridges and streets upon the real and personal property within the corporate limits of such cities. ('13 c. 183 § 1) [1774]

**1775. Taxes**—Such tax shall be levied and collected as other taxes are levied and collected, and when collected, such taxes except the state road and bridge tax shall be paid by the respective counties into the treasury of such city. ('13 c. 183 § 2) [1775]

**1776. Expenditures**—The governing body of any such city shall have the control of all expenditures for roads, streets and bridges, within such city, and may at its pleasure expend moneys from the city road and bridge fund for building and repairing roads and bridges outside of its corporate limits. ('13 c. 183 § 3) [1776]

Sections 1774, 1775 and 1776 are constitutional as against the objection that the same constitutes special legislation. 142-225, 171+801.

**1777. Street commissioners**—The governing body of any such city shall appoint one or more street commissioners who shall have charge of all road, street and bridge work, and who shall serve during the pleasure of such governing body. He shall keep an accurate account of all money received and expended by him, and shall make an itemized statement thereof to such governing body ten days before any annual city election, and at such other times as such governing body may direct. ('13 c. 183 § 4) [1777]

**1778. Rules**—The governing body of any such city shall have the power to make all rules and regulations for the collection and disbursement of road, street and bridge funds, not inconsistent with law. ('13 c. 183 § 5) [1778]

**1779. Curbs and gutters**—Whenever the governing body of any city have a population of ten thousand inhabitants or less, incorporated under the general laws of this state, shall deem it necessary and expedient to construct or rebuild any curb or gutter, or both, in said city, they may, acting on their own motion, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct or rebuild such curb or gutter, or both, shall petition the common council of such city therefor, they shall adopt a resolution to that effect, which resolution shall specify the place or places where such curb

or gutter, or both, shall be constructed or rebuilt, the kind and quality of materials to be used therein, the width, the size and manner of construction thereof, and the time within which the same shall be completed, which shall not be less than forty days after the service of said resolution, as hereinafter provided.

Said resolution shall contain the names of the owners of all lots, parcels of lots, and parcels of ground fronting the street or streets where such curb or gutter, or both is to be constructed or rebuilt. ('17 c. 123 § 1)

**1780. Proceedings for construction**—Such resolution shall be served upon the persons named in said resolution at least forty days prior to the time therein named for the completion of said curb or gutter, or both, in the following manner.

First: By causing a copy thereof to be handed to and left with each of the persons therein named who are residents of and within said city, and are actually therein.

Second: If any of the persons so named in said resolution are not residents of said city, or cannot be found therein, then said resolution shall be published in one issue of a newspaper regularly published in said city, in the English language, and having a general circulation therein, or in the designated official paper of said city.

Third: If there be no such newspaper published in said city, then such service and publication may be made by posting a copy of said resolution in at least three public places in said city, at least forty days prior to the time named therein for the completion of said curb or gutter, or both.

Affidavits shall be made by the person serving or posting said resolution of the manner, time and place of serving or posting the same, and by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits shall be attached to said resolution and with it filed with the city recorder. Any and all such service when made in accordance with the provisions of this act, shall for the purposes thereof, be deemed personal service of such resolution upon the persons named therein. ('17 c. 123 § 2)

**1781. Performance of work**—If such work shall not be fully done and said curb or gutter or both shall not be fully constructed or rebuilt in the manner and at the time prescribed in said resolution, then the governing body of said city may order the same to be done by the street commissioner or commissioner of public works, or cause the same to be done by contract let to the lowest responsible bidder, the entire expense thereof to be paid out of the general revenue fund of said city.

At any time within thirty days after said city shall have completed the construction of said curb or gutter or both as aforesaid, the city council or governing body of such city shall adopt a resolution fixing the time and place when and where they shall hear testimony of all persons interested or affected and ascertain the amount of benefits to property fronting on said curb or gutter, or both, or by reason of the construction thereof, and such resolution shall be served on all the persons named in the resolution adopted under section 1 of this act, and in the manner therein provided.

At the time and place named in said resolution said city council or governing body of said city shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said curb or gutter, or both, and for said purpose the president of the council or other presiding officer is hereby authorized to administer oaths to witnesses. Thereupon, by resolution, the city council or governing

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body of said city shall determine the amount of benefits caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such curb or gutter, or both shall have been constructed or rebuilt as aforesaid; and a full and complete record thereof shall be made and kept by the city recorder in a separate book kept for that purpose, which record shall contain a description of the property benefited and charged with the construction of such curb or gutter, or both, the amount of benefit determined in each case as aforesaid, and when so determined the amount of each annual installment thereof; when transmitted to the county auditor of the county for assessment; the amount paid thereon and when paid. Such record to be used in making each annual levy and assessment, as in this act provided.

The amount of the benefits to each lot, part of lot, or parcel of ground so determined as aforesaid shall be and become a charge against the same and shall be assessed thereon, as in the case of county, city or state taxes, in three annual installments. ('17 c. 123 § 3)

1782. Certificate of indebtedness—If such assessments for either or any of the purposes aforesaid be not fully paid to the city treasurer or other officer authorized by law to collect the same, within twenty days after said assessment shall have been made as aforesaid, the council or governing body of said city may issue or cause to be issued the certificates of indebtedness of said city or for the aggregate amount of unpaid balance of each of said assessments payable in three annual installments, each of which installments shall be represented by a separate certificate bearing interest payable annually at a rate to be determined by said city, not exceeding six per cent and payable as follows:

One payable on or before the first day of June of the year next following the issuance thereof; one payable the first day of June of the second year next following; and one payable the first day of June of the third year next following. Said certificates shall be made payable to the bearer and the same may be issued, negotiated and sold by said city for not less than their par or face value. The proceeds of such sale shall be paid into the city treasury, as the case may be. All of said certificates shall be substantially in the following form:

\$. . . . . Dated at . . . . ., Minnesota. . . . . 19. . .

The treasurer of the (city) of . . . . . will pay to the bearer hereof the sum of . . . . . dollars and . . . . . cents on or before the 1st day of June, A. D. 19. . . . , with interest from date hereof, at the rate of . . . . . per cent per annum, interest payable on the first day of June, 19. . . . , and the first day of June, 19. . . . This certificate represents one-third of the amount expended in the construction of a (curb or gutter or both) in said (city) in the year 19. . . .

A record of said certificates shall be made and kept by said city recorder, which record shall show the date the same was issued, amount thereof, date when due, to whom sold, amount sold for, for what purpose the same was issued, when the same was paid, and the amount paid as shown by the treasurer's books. Books shall be provided for said purposes. ('17 c. 123 § 4)

1783. Tax levy authorized—After the completion of said curb or gutter or both as aforesaid, by said council or governing body of said city, said city council or governing body of said city shall annually on or before the first day of October, of each year until the whole of said assessments have been levied as herein provided, cause to be transmitted with the city taxes of that year, to the auditor of the county a statement

of the amount of the annual installment next thereafter payable, together with interest, at the rate of six per cent per annum on the amount of the total assessment from the time of the completion of the work to the first day of June next following its completion, or in case any installment or installments shall have been paid to the treasurer or transmitted to the county auditor and extended as herein provided for, then with interest at said rate for one year on the total of the installment or installments not previously so transmitted and remaining unpaid, and the said auditor shall extend the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof and the same shall be enforced with and in like manner as city, county and state taxes are collected and payment thereof enforced and with like penalties and interest in case the same are not paid before the same become delinquent.

After the completion of said curb or gutter or both, the owner or owners of land adjoining the same or interested therein shall have the privilege of paying all or any portion of the cost of construction thereof to the treasurer of the city at any time within twenty days after the assessment of benefits and before said levy has been made and the amount so paid shall be deducted from the amount of said assessment. ('17 c. 123 § 5)

1784. Not to affect assessments already levied—This act shall not in any way affect any assessments heretofore made by any city or any assessment hereafter to be made by any city upon any contract made prior to the time when this act shall take effect. ('17 c. 123 § 6)

1785. Application—The provisions of this act shall not modify or repeal the provisions of the city charter of any city of the fourth class having a home rule charter, but any such city may, however, avail itself of the benefits of this act. ('17 c. 123 § 7)

1786. Regulation of public utilities—Definitions—For the purposes of this act, the term "public utilities" shall include electric light, heat and power works, water works, gas works, ice plants, stone quarries and crushing works, telephone systems, public markets, public slaughtering establishments, creosoting and other paving works, and sewer systems; and the term "public improvements," shall include city halls, lock-ups, fire department buildings, streets, alleys, public ways, sidewalks, curbs, gutters, paving, parks, and all other public grounds and works thereon or therein, (not including library grounds and buildings), and all public buildings and structures other than libraries not hereinbefore specifically mentioned. ('17 c. 358 § 1)

1787. Application—To apply to all cities of the fourth class after adoption by electors—This act shall apply to all cities of the fourth class; but it shall not be in force in any such city until its adoption by the electors as hereinafter provided. ('17 c. 358 § 2)

1788. Civil service commission—In every city to which this act is made applicable there shall be a civil service commission, consisting of one member for every four hundred (400) of population according to the last preceding state or federal census, not, however, in any case to consist of less than nine nor more than fifteen members, all of whom shall be citizens of the state and residents of the city, and serve without compensation. No such commissioner shall at the time of his election, or while serving, hold any other office or employment under the city, the United States, the state of Minnesota, or any public corporation or political division thereof, other than the office of notary public, nor shall he be interested, directly or indirectly,

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in any contract, express or implied, with such city, or any board, officer or department thereof, as a contractor, subcontractor, employee, or otherwise.

The members of the first commission shall be elected (conditionally on the adoption of this act) at the same election at which the question of the adoption of this act is submitted to the electors in any such city, and shall hold their offices until noon on the Thursday next following the first regular city election held more than one year after their election, and until their successors are elected and qualified; and thereafter such commissioners shall be elected at regular city elections for the term of two years and until their successors are elected and qualified; and in case a vacancy occurs at any time in said commission, the same shall be filled for the unexpired term by a majority vote of the remainder of the commissioners. Each commissioner before entering upon his duties shall subscribe and file with the city clerk or recorder an oath for the faithful discharge of his duties. ('17 c. 358 § 3)

**1789. Meetings of commission**—The first commission shall hold its first meeting within ten days after its election, at a time and place to be fixed by the mayor of the city, written notice of which shall be given to each member by said mayor, either personally or by mail, at least three days before the date of such meeting. At said meeting, or as soon thereafter as practicable, at an adjourned regular or special meeting, the commission shall elect from its own members a president, a vice-president and a secretary. It shall be the duty of the president to preside at all meetings of the commission, and in his absence the vice-president shall preside. The secretary shall keep the records and files of the commission.

The commission shall, from time to time, fix the times and places of its meetings and adopt, amend and alter rules for its procedure. Four members shall constitute a quorum at any legally provided or called meeting for the transaction of any business, except as otherwise herein provided. ('17 c. 358 § 4)

**1790. Jurisdiction of commission**—All officers and employees of such cities who are not elected by the people shall be under the jurisdiction of the civil service commission and subject to the provisions of this act. After the adoption of this act, the mayor, alderman, treasurer and recorder or clerk of such cities shall be elected by the people; but all other officers and employees, except as herein otherwise expressly provided, shall be elected, appointed or employed by the public utilities board, civil service commission or in other manner provided by this act and shall be included within the term "Employee" as used in this act. ('17 c. 358 § 5)

**1791. Public utilities board**—In every city to which this act is made applicable there shall be a public utilities board, which shall consist of three members to be elected by the civil service commission, for the term of one year, subject, however, to removal at any time by a majority vote of the commission. Two of the members of such board, one of whom shall be designated as chairman, and the other as vice-chairman, may be elected from the members of the civil service commission, and shall serve without salary or compensation; but the third member of such board shall be selected without regard to his residence, and he shall receive such salary or compensation as shall be prescribed by the civil service commission, payable in monthly installments. He shall be designated as "City Manager," and shall have such authority and perform such duties in connection with all public utilities and public improvements of said city, subject to the general approval, control and direction of the public utilities board, as are hereinafter prescribed, and subject, also, to removal at the end of any month by, written

notice signed by the other two members of the board, whenever in their judgment the best interests of the city will be served thereby. He shall also be ex-officio city surveyor, city engineer and street commissioner, and may also at any time be made assistant secretary of the civil service commission, and, if elected thereto, may also hold the office of city recorder or clerk. If the office of city manager shall be vacant at any time for any reason and the board is unable to find a person to fill the same having the requisite qualifications, the other two members of the board may make a temporary appointment, at a reduced salary, of some person with less than the prescribed qualifications; provided, however, that such temporary appointment shall at no time continue for a longer period than four months. After the adoption of this act by the electors of any city the common council of such city shall have no authority to elect or appoint any city surveyor, engineer, or street commissioner and upon the appointment and qualifications of a city manager under the provisions of this act the terms of all persons holding any such offices in any such city, by election, or by appointment of the common council, shall at once terminate. Such city manager shall be selected upon the recommendation of the other members of such board and with special reference to his qualification and fitness to act as executive officer of such board and to take charge of and manage the public utilities and public improvements of said city and discharge the duties of his ex-officio offices. Before entering upon the discharge of the duties of his office the city manager shall be or become a citizen of the United States and a resident of the city, and he shall take, sign and file with the city clerk or reporter, an oath for the faithful performance of his duties, and he shall also give a surety bond in form and amount to be prescribed by order or rule of the public utilities board. The city treasurer shall be ex-officio treasurer of such board, and shall keep the funds under control of such board separate from the other funds of said city and pay the same out only on the order of the chairman or vice-chairman of such board and countersign by the city manager. ('17 c. 358 § 6)

**1792. City manager superintendent**—In addition to the duties prescribed by law for the city surveyor, city engineer and street commissioner, the city manager shall be superintendent of all public utilities of the city, have charge of the operation and repair thereof and of all buildings, appliances and improvements used in connection therewith, as well as of the installation and maintenance of all extensions and appliances connected therewith; and shall perform such other and further duties, not inconsistent with law, as the public utilities board may, from time to time, by order, rule or direction, prescribe. He shall, by and with the consent and approval of the public utilities board, appoint all assistants and deputies required by him in the discharge of his duties, and may remove them for cause, subject to appeal to the public utilities board, and shall hire and discharge, from time to time, such subordinate employes and laborers as may be provided for by the public utilities board; and all such subordinate employes of every character elected, appointed or employed in connection with the public utilities or public improvements of the city shall be under the direct supervision and control of the city manager. ('17 c. 358 § 7)

**1793. Police and health departments**—In all cities to which this act is made applicable the police, health, library and fire department shall continue to be governed in the same manner as before the taking effect of this act and all taxes and assessments of every kind shall be levied and collected in the same manner as before the taking effect of this act. All money derived

from the operation and management of all public utilities shall be under the exclusive control of the public utilities board and all other money appropriated by the common council of this city, or in any other lawful manner, for any purpose or purposes connected with the public utilities or public improvements of any such city, shall after the same has been so appropriated or provided, be under the exclusive control of such public utilities board; but the same shall be expended only for the purpose for which the same was appropriated or provided. The common council of any such city shall not appropriate any money or levy any tax or assessment of any kind for the purpose of obtaining any money for the use of such public utilities board unless a recommendation therefor, setting out in detail the purposes for which such money is required, together with estimates of the cost of the various items thereof, shall first have been presented to the common council of such city by said public utilities board; but such board shall not be required to present any such recommendation or estimate for any such improvement in any case where the money for the same has already been provided, either from the earnings of the public utilities and improvements of such city or otherwise. ('17 c. 358 § 8)

**1794. Rules.**—The commission shall, immediately after its election, and from time to time thereafter, make, amend and alter, rules to promote efficiency in the city service and to carry out the purposes of this act. All rules so adopted shall be published once in the official newspaper of the city and shall take effect three days after such publication. The public utilities board, city manager, or other appointing authority, shall be governed by such rules in the appointment and discharge of all subordinate officers and employes. Immediately after the adoption of any such rule, or any amendment or alteration thereof, the commission shall cause to be delivered to the mayor and the city clerk or recorder copies thereof. ('17 c. 358 § 9)

**1795. Removal and discharge of employees.**—Nothing in this act contained shall in any manner prohibit the mayor, the city council, or any other board or officer having the power to appoint or employ any city employee not under the control of the public utilities board or civil service commission, from removing or discharging such subordinate employee, but in case of any such removal or discharge the same shall be forthwith reported in writing, together with the cause thereof, to the civil service commission and the city clerk or recorder. ('17 c. 358 § 10)

**1796. Investigations by commission.**—The civil service commission shall ascertain the duties of each office, position and employment under the management and control of the public utilities board, and shall designate by rule as well as may be practicable the grade of each office, employment or position; and shall prescribe standards of efficiency for each grade. The commission may by rule recommend the maximum and minimum to be paid for each office and employment, and for each grade and the title thereof, annually, or more frequently if deemed necessary. The commission shall make and keep a record of relative efficiency of each employee in the service under its jurisdiction other than unskilled laborers and shall provide by rule methods for ascertaining and verifying the facts from which such records of relative efficiency shall be made. ('17 c. 358 § 11)

**1797. Commission, powers of.**—The commission shall from time to time investigate the enforcement of this act and of the rules made under it; the duties of all departments and of all employees of the city; the efficiency of the service, and such other matters as come within the scope of this act. In the course of such investigations each commissioner shall have pow-

er to issue subpoenas, to administer oaths, and to compel the attendance and testimony of witnesses and the production of books and papers relevant to the investigation. Any person who shall on any such hearing or investigation willfully testify falsely shall be guilty of perjury, and any person who shall refuse to obey the lawful subpoenas or directions of the commission in any such investigation shall be guilty of a misdemeanor. The commission may make complaint to the district court of disobedience of its subpoenas or orders under this section, and the court shall prescribe the notice to be given to the person accused and require him to obey the commission's subpoena or order, if found within the lawful powers of the commission, and punish disobedience as contempt of the court. Witnesses shall be entitled to the same fees and mileage as for attendance upon the district court, except that any officer, agent or employee of the city who receives compensation for his services shall not be entitled to fees or mileage. ('17 c. 358 § 12)

**1798. Commission, findings of—To make written findings and deliver to certain officials.**—It shall be the duty of the commission, on the completion of any such investigation as provided for in the foregoing section, to make written findings of facts and recommendations or orders with reference to the matters so investigated; and copies thereof shall be forthwith delivered to the city manager, mayor, and city recorder or clerk, by each of whom the same shall be kept open to public inspection, and the same may also be published in the official newspaper of said city by the commission. All recommendations and orders so made by the commission shall be carried out by the proper officers and employees under the jurisdiction of the commission, and a failure so to do shall be cause for removal or discharge of the offending officer or employee by the commission; but no such removal or discharge shall be made without reasonable notice to and an opportunity to be heard by the accused official or employee. ('17 c. 358 § 13)

**1799. Adoption of act.**—This act shall not be in force in any city until the question of its adoption in such city shall first have been submitted to the electors at a general election or at a special election called for that purpose, and it is approved by a majority of those voting on that question at such election. The common council of any such city on its own motion may, and on petition of a number of electors of said city equal to twenty per cent of those voting at the last preceding election shall, by ordinance or resolution, direct that the question of the adoption of this act by such city be submitted to a vote of the electors of such city at a general city election, or special city election called for that purpose to be held in such city on a day specified, not less than ten days nor more than thirty days after the last publication of such ordinance or resolution. The signatures to such petition need not be all appended to one paper, but one of the signers on each such paper shall make oath, before any officer competent to administer oaths, that each signature to the paper appended is the signature of the person whose name purports to be thereto subscribed and that all the subscribers thereto are legal voters of said city. Such petition shall be filed with the city recorder or clerk, and it shall be his duty then to forthwith give written notice to the mayor and each alderman of said city, by mail, of the filing of such petition, and in such notice to fix a time and place, not less than three nor more than ten days thereafter, for the common council to meet and act on such petition. Such ordinance or resolution shall be published and posted, as soon after its adoption as conveniently may be, in manner now provided, or as may be hereafter provided, by law for such cities. ('17 c. 358 § 14)

1800. **Inspection of milk, dairies, etc.**—The council of every city in this state, having 10,000 inhabitants or less, may provide for the inspection of milk sold within its limits, and of dairies, and of dairy herds kept for the production of such milk. ('09 c. 354 § 1) [1779]

1801. **Dairy inspector — Appointment — Fees**—The council may appoint a competent licensed veterinarian as city dairy inspector for such city, and said dairy inspector shall once a year inspect all dairies and dairy herds kept for the production of milk sold within the limits of such city. For each inspection he shall be entitled to a fee of 25 cents for each animal inspected, to be paid by the owner of such animal. The dairy inspector of such city shall be appointed at the first meeting of the city council after the municipal election in such city and shall hold office until his successor is appointed. ('09 c. 354 § 2) [1780]

1802. **Certificate of sanitary condition**—If the inspector finds that such dairies or dairy herds are in a sanitary and wholesome condition he shall issue to the owner of such dairy or dairy herd a certificate setting forth such facts, which certificate shall be and remain in force for a period of one year after its issuance, and no longer. ('09 c. 354 § 3) [1781]

1803. **Sale of milk without certificate, etc.—Penalty**—Every person who sells or attempts to sell in such city any milk produced by a dairy or dairy herd without having a certificate to the effect that such dairy or dairy herd has been inspected within the preceding year and is in a sanitary, wholesome and healthy condition, shall be guilty of a misdemeanor. ('09 c. 354 § 4) [1782]

1804. **Transfer of funds in certain cities**—That any city of the fourth class incorporated and now or hereafter operating under the provisions of chapter 8 of the Laws of 1895, may by a resolution adopted by a unanimous vote of its council, transfer funds from the permanent improvement revolving fund to the permanent improvement fund, at any time, provided said permanent improvement revolving fund shall not be so reduced to an amount less than the aggregate of all outstanding certificates of indebtedness and other obligations incurred and payable from said last mentioned fund. ('13 c. 542 § 1) [1783]

1805. **Elections**—In all cities of the fourth class the election of all officers required to be chosen by the voters of such city shall be held and conducted as hereinafter prescribed, unless otherwise provided by the law under which such city is organized and operating or by the charter of such city, if organized under section 36, article 4, of the constitution. ('23 c. 317 § 1)

1806. **Candidates**—Not less than fifteen days preceding the city election, any eligible person desirous of having his name placed upon the official election ballot as a candidate for an office to be voted for at such election by the voters of such city, shall file an affidavit with the city clerk, stating his residence, that he is a qualified voter in such city and the name of the office for which he desires to be a candidate, and upon payment of a fee of one dollar to the city clerk that officer shall accept such affidavit and place the name of such candidate upon the official election ballot without any party designation. There shall be no primary election but the filing of such affidavit shall be a prerequisite to having the name of the candidate placed on the official ballot for the city election. ('23 c. 317 § 2)

1807. **Ballots**—The city clerk shall prepare and cause to be printed at the expense of the city necessary poll lists, tally sheets and ballots for such election. The ballots shall be printed on yellow tinted paper but need not bear the facsimile of the signature

of any officer. Each ballot shall be headed, "City Election Ballot," and shall state the name of such city and the date of the election, and, except as herein otherwise provided, shall conform to the state ballot used at general elections. Names of candidates shall be arranged thereon alphabetically according to surnames without any party designation. ('23 c. 317 § 3)

1808. **Polling places**—Not less than ten days before the day of the city election, the city council shall select and designate one polling place for each voting district into which the city may be divided and shall appoint three judges and two clerks for each such polling place, who shall be paid by the city the same compensation as judges and clerks at general elections, and not less than five days before such election the city clerk shall post in three conspicuous places in said city, and publish once in a qualified newspaper in such city if there is one, otherwise in a qualified newspaper in the county, a notice of the election, stating the time and place thereof, the location of each polling place, the names of the candidates, the offices to which they desire to be chosen and also any question or proposal which may be voted on at such election, and the city clerk shall also post and publish in the same manner samples of the official ballot. ('23 c. 317 § 4)

1809. **Australian ballot system to be used**—The election shall be held and conducted under the Australian ballot system as provided by law for general elections. The polls shall be open from six o'clock A. M. to eight o'clock P. M. The name and residence of each person voting at such election shall be entered by the judges and clerks on a poll list. The ballots shall be counted, tallied and preserved as at general elections, except that the clerk shall be the final custodian thereof. After the ballots have been counted, the board shall publicly announce the result and certify the same, together with the ballots, to the city council. The results of the election shall be canvassed by the council and the candidate for each office who receives the highest number of votes therefor shall be declared elected thereto and shall be given a certificate of election by the city clerk. ('23 c. 317 § 5)

1810. **Challengers—Not to adjourn until polls are closed**—The election board shall allow one voter selected by each candidate or group of candidates and having a written statement from the candidate or group he represents, stating that he has been appointed by the signers as a challenger, to remain within the railing in the room where the election is being held in each voting district until the votes are counted and the results announced, and such person shall exercise all the powers and duties of challengers at general elections. No adjournment shall be had until the polls are closed and the results announced and at least two judges and one clerk shall be present and in session at all times while the polls are open. ('23 c. 317 § 6)

1811. **General election laws to apply**—So far as practicable, all the provisions of law relating to general elections, including provisions relating to the arrangement of polling places, peace officers, challengers, gatekeepers, procuring ballots, boxes and supplies, and all laws defining offenses and fixing penalties at general elections are hereby made applicable to city elections held under this act. ('23 c. 317 § 7)

1812. **Division of assessments**—In all cities of this state having a population of not less than ten thousand people, nor more than twenty thousand people, according to the last Federal census, whether operating under a Home Rule Charter, or under any general or special law of this state, wherein any assessment, or re-assessment of real estate for local improvements has heretofore been made and confirmed, and which real estate, as thus originally assessed, or re-assessed, in one

body was, pursuant to law, duly sub-divided and platted into lots and blocks, or tracts or parcels of a lesser area than that originally assessed, the City Council, City Commission or other governing body of such city is hereby specifically authorized and empowered to sub-divide said assessment, or assessments, and apportion the same to each or any of said lots, blocks, or other smaller tracts and parcels of said assessed real estate. Said power hereby delegated shall be in addition to the existing statutory or charter powers, or both, of said city and its governing body. Said assessment as thus sub-divided and apportioned may include the original assessment for said improvement or improvements, together with all subsequent additional or supplemental assessments of such real estate for said local improvement or improvements. ('23 c. 40 § 1)

**1813. Procedure**—Upon presentation and filing with the City Clerk or recorder of any such city of a petition, addressed to the City Council, City Commission, or other governing body of such city, signed by the owner, or owners of said lot, or lots, block, or other smaller tracts or parcels of real estate included within the boundaries of any tract or governmental sub-division so originally assessed, or re-assessed, asking for the sub-division and apportionment of said original assessment, or assessments, and the determination of the amount thereof chargeable against said lot, or lots, or other smaller tracts of land, said City Council, City Commission, or other governing body of said city may sub-divide and apportion said assessment, or assessments, to the tract, or tracts so owned by said petitioning owners, and on payment of the proportionate part of said assessment, as thus ascertained and determined, release said lots, or other smaller portions of said real estate from the lien of said original assessment, or assessments, or from any installment of said original assessment, if said property owner or his predecessor in interest has elected to avail himself of any charter privilege or law permitting the sub-division of said original assessment into annual, or other installments. The apportionment of said smaller tracts of real estate and the payment in settlement, in whole or in part, of the amount of said assessment, as thus sub-divided and apportioned, shall be without prejudice to the lien of said city upon the balance of the tract or parcel of real estate as thus originally assessed. And said city, by and through its said City Council, City Commission, or other governing body, shall have further power, upon like petition signed and presented by property owners owning at least one-half of the lots, blocks or other parcels of land thus originally assessed, or re-assessed, as one tract, to sub-divide and apportion said original assessment, or assessments against said entire tract or governmental sub-division among each and all of the several lots or parcels of land into which said original tract was later sub-divided and platted, and to determine the proportionate part of said original assessment, or assessments applicable to and chargeable against each of said several lots or parcels of land, and upon payment thereof, to release, or cause to be released from the lien of said original assessment, or assessments, the tract, or tracts upon and against which said assessment, as thus sub-divided, is paid. ('23 c. 40 § 2)

**1814. County auditor authorized to subdivide assessments**—In the event that any such assessment, or assessments, or any unpaid installment or installments thereof, has heretofore been certified up to the County Auditor of the county, or counties within which said city is situated, and which assessment shall cover and include said original tract or governmental sub-division of lands as originally assessed, and which assessments are in process of collection and settlement, the County

Auditor of said county within which said affected tracts are situate, upon the filing in his office of the certificate signed by the City Clerk of said city, setting forth the amount of said assessment or installment apportioned and sub-divided by said City Council, City Commission, or other governing body, to said smaller tract of real estate, is authorized to sub-divide said assessment, or assessments as previously certified up. Thereupon said County Auditor shall file his certificate with the County Treasurer of said county within which said affected lands are situated, showing the amount of said sub-divided assessment or assessments applicable to the lots or parcels of land so held and owned by said individual petitioning property owners to whom said relief has been afforded by the action of said City Council, City Commission, or other governing body of said city. Upon the filing of said County Auditor's certificate with the County Treasurer of said county, the said County Treasurer of said county is hereby specifically authorized and empowered to accept the amount of said sub-divided and apportioned assessment, and issue his receipt covering the full payment and discharge of such assessment or installment thereof against said lot, block, or other smaller tract of real estate, which receipt shall be in the form of the ordinary Treasurer's Tax Receipt for the payment of general taxes and assessments against city real estate. There shall be included in the collection to be made by said County Treasurer such lawful penalties as may have accrued, upon the basis of the assessment as thus sub-divided and apportioned to such smaller tract or area of said real estate. The County Auditor of said county, in the event that judgment for delinquent real estate taxes, which include said assessments for local improvements, has been entered, may permit redemption of said smaller tracts or parcels of real estate from said tax judgment at any time prior to the sale of said premises at tax sale, upon payment of the amount as thus determined and certified up to him by said City Council, City Commission, or other governing body of the city, together with penalties, interest, and other lawful costs and charges there-against, required for the redemption thereof, and issue his redemption receipt therefor. ('23 c. 40 § 3)

**1815. Street improvements**—In any city of the fourth class or village of this state, whether said city or village is acting under general or special law or Home Rule Charter, when petitioned for by twenty-five per cent (25%) of the property owners abutting upon any street or alley, the council shall have power to improve any such street or streets, or any such alley or alleys by laying and maintaining pavements, gutters and curbs thereon of any material which it may deem suitable or by grading or graveling the same. By the word "council" as used in this act is meant the governing body; by the word "mayor," the chief executive officer, and by the word "clerk," the officer who performs the functions thereof, of such municipality, by whatever title they may be respectively denominated. ('19 c. 65 § 1; amended '21 c. 419 § 1)

**1816. Assessment of abutting property**—The cost of any such improvement may be assessed upon the abutting property based upon the number of feet fronting upon said street or alley proposed to be so improved, or upon the basis of benefits, but the council may pay the cost of a pavement across intersecting streets and alleys and one-half the cost of a pavement opposite any public park or municipal property, and the entire cost of gutters out of the general road fund, if any there be, or out of the general fund of such municipality. The improvement of two or more connecting streets may be included in one proceeding and conducted as one improvement. ('19 c. 65 § 2)

1815	
241nw	47
31	317
177m	28
29	43
29	44
224nw	254
161-M	17
1815	
153-M	32
1815	
152-M	382
157-M	299
158-M	434
188-NW	1006
196-NW	178
197-NW	970
199-NW	746
201-NW	605
23-G.S.	1337
1816	
25	210
1815	
27	18
25	38
166-M	20
207-NW	30
1815	
33	95
33	200

1817. **Resolution for improvement**—No action shall be taken for the making of any such improvement except upon the adoption of a resolution to that effect by a majority vote of the council after a meeting at which all property owners whose property is liable to be assessed therefor, have been notified to be present by a notice of such meeting published for two weeks in the official newspaper. ('19 c. 65 § 3)

1818. **Branch sewers and water pipes**—Before making any such improvement the council may by resolution require the owners of the abutting property to lay branch sewers and water pipes from the mains to the curb or lot line of each lot, and in case any property owner neglects to lay such sewer or water pipe, within sixty (60) days after being served with a copy of said resolution, the council may cause the same to be put in and may assess the cost of the same against the property and collect the same as taxes are collected. All such water pipe connections shall be of such material as the council may prescribe. ('19 c. 65 § 4)

1819. **Plans, specifications, and advertisements**—Whenever the council of any such municipality shall determine to make any such improvements, it may cause plans and specifications thereof to be made and filed with the clerk of such municipality and may advertise for bids for such improvement in the official paper and such other paper or papers and for such length of time as it may deem advisable. Such advertisement shall specify the work to be done, shall call for such bids on the basis of cash payment for such work and shall state the time when the bids will be opened and considered by the council, and that no bids will be considered unless sealed and filed with the clerk and accompanied by a cash deposit or certified check payable to the clerk, for such percentage of the amount of such bid as the council may specify.

In letting contracts for any such work, it shall be the duty of the council to require the execution of a written contract and a bond in such sum as it may require, conditioned for the faithful performance of the contract, and for saving the municipality harmless from any and all liability in the prosecution and completing of the work, and conditioned further for the payment for all material used and labor performed thereon. The council, if a contract is awarded, may award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the municipality the amount of his cash deposit or certified check, and the council may thereupon award the contract to the next lowest responsible bidder; provided, the council shall have the right to reject all bids; and provided further, that whenever it shall appear to the council that the cost of the entire work projected shall be less than five hundred dollars, then the council may directly purchase the materials therefor and cause the work to be done by day labor. The council may have the work supervised by the municipality's engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by the contractor, it may order and cause the suspension of the work at any time and relet the contract therefor, or order a reconstruction of any portion of the work improperly done, and where the work to be done shall call for an expenditure of less than five hundred dollars to complete the work or the reconstruction necessary, the council may do it by the employment of day labor. ('19 c. 65 § 5)

1820. **Payments**—In case the contractor shall properly perform the work, the council may, from time to time, before the completion of the work, in its discre-

tion, pay to such contractor seventy-five (75) per cent of the amount already earned thereunder, upon the estimate of the engineer or other competent person selected by the council. ('19 c. 65 § 6)

1821. **Assessment**—After a contract is let, or after the work is ordered done by day labor as hereinbefore provided, the clerk, with the assistance of the engineer or other person selected by the council to perform the duties of engineer, shall forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of section 2 of this act, and the proposed assessment so made up shall be filed with the clerk and be open to public inspection. The clerk shall thereupon under the council's direction cause notice of the time and place when and where the council will meet to pass upon such proposed assessment, to be published in the official paper at least one week prior to such meeting of the council.

At such meeting the council shall hear and pass upon all objections thereto, if any, and may, if it deems it just, amend such proposed assessment as to any lot or lots, and upon the adoption by resolution of such assessment, the same shall constitute the special assessments against the lands named therein. Such assessment, with the accruing interest thereon, shall be a lien upon the property included therein, concurrent with general taxes, and shall be payable in equal annual installments extending over such period not exceeding twenty (20) years as the council may by resolution determine the first of said installments to be payable on or before the first day of June following the adoption of the assessment, and any deferred payments to bear interest at the rate of six per cent per annum from the first day of June following the adoption of the assessment.

It shall then be the duty of the clerk immediately thereafter to transmit a certified duplicate of such assessment to the county auditor of the county, to be extended on the proper tax lists of the county, and such assessments shall be collected and paid over in the same manner as other municipal taxes; provided, that the owner of any property, so assessed, may, at any time, pay the whole of such assessment, or any annual installment thereof with interest, as to any lot, piece or parcel of land affected thereby. ('19 c. 65 § 7)

1822. **County boards and school districts to pay assessments**—It shall be the duty of county boards and proper school district officials to pay assessments levied under the provisions of this act against property owned respectively by counties or school districts, and in the event of failure so to do, the amount of such unpaid assessments so levied may be recovered in a civil action brought by such cities or villages against the municipal corporation owning the property so assessed. ('19 c. 65 § 7a)

1823. **Supplemental assessments**—In case of omission, errors or mistakes, in making such assessment, in respect to the total cost of such improvement, or otherwise, it shall be competent for the council to provide for and make supplemental assessments to correct such omissions, errors or mistakes. ('19 c. 65 § 8)

1824. **Certificates of indebtedness authorized**—After a contract or contracts for the making of any such improvement shall have been entered into by any city of the fourth class or any village, it may, acting through its council, issue its certificates of indebtedness in such amount as may be necessary to defray in whole or in part the expense incurred or to be incurred in making any such improvement. The word "expense" shall be construed to mean and cover every item of cost of such improvement from its inception to its



completion, and all fees and expenses incurred or to be incurred in pursuance thereof. Such certificates shall be payable in annual installments as near equal in amount as conveniently may be, over a period not exceeding twenty (20) years from their date, shall bear interest at a rate not to exceed six (6) per cent, payable annually, or semi-annually, which interest may be evidenced by appropriate coupons and shall be in such form and denominations, all as the council shall by resolution determine, and shall be signed by the mayor and countersigned by the clerk. A separate special assessment fund shall be provided for each improvement and the proceeds from the sale of any certificates issued on its account shall be placed in such fund. The council shall provide moneys for the payment of the principal and interest of said certificates, as they severally mature, which moneys shall be placed in such fund and into such fund shall also be paid all moneys received from the payment of any liens created under the provisions of this act. And the council shall pay the principal and interest of any such certificates out of any funds in the treasury when the moneys on hand in the appropriate special assessment fund are insufficient to meet the payment of the principal or interest when the same matures, but the fund from which such moneys have been taken or used for the payment of such principal or interest shall be replenished with interest at the rate of six per cent per annum from the collection of unpaid assessments on account of such improvements.

The amount of any such certificates at any time outstanding shall not be included in determining any such municipality's net indebtedness under the provisions of any applicable law. ('19 c. 65 § 9)

1825. Reassessment—In all cases where any assessment or any part thereof as to any lot, lots or parcels of land assessed under any of the provisions of this act, for any reason whatever, is set aside, the council may cause a reassessment or a new assessment to defray the expenses of such improvement to be made. ('19 c. 65 § 10)

1826. Objection to assessment—The party desiring to object to the assessment, or his duly authorized agent or attorney, shall on or before the date of hearing upon such assessment file with the clerk a written statement of the objections and all objections not specified therein shall be deemed waived. ('19 c. 65 § 11)

1827. Appeal to district court—Within ten days after the adoption of the assessment, any person aggrieved who appeared and filed objections thereto, may appeal to the district court by serving a notice upon the chief executive officer of the municipality, which notice shall be filed with the clerk of the district court within ten days after service thereof. The clerk shall furnish appellant a certified copy of his objections filed therein, and the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal, the costs incurred, if not paid, shall be included in the special assessment. ('19 c. 65 § 12)

1828. Application—The provisions of this act shall apply to all cities of the fourth class and villages, howsoever organized, and shall be construed to confer additional powers to all such municipalities notwithstanding any prohibition or limitation to the contrary in the Home Rule Charter or law under which any such municipality is organized or acting. ('19 c. 65 § 12a; repealed '21 c. 419 § 2; amended '21 c. 419 § 3)

LAWS AFFECTING CITIES OF THE 4TH CLASS.

Sale of surplus electricity ('15 c. 34). Registration in home rule cities unnecessary ('15 c. 246). Annexation of territory ('15 c. 240). Water Works bonds ('15 c. 253). Oiling streets ('15 c. 285). Sale of electricity without franchise ('15 c. 311). Tax levy for entertainments ('15 c. 316). Municipal contracts for road work ('15 c. 330).

Paving bonds in home rule cities ('17 c. 46). City hall or jail bonds in home rule cities ('17 c. 57). Legalizing proceedings for municipal heating plants ('17 c. 125). Tax levy for sewers ('17 c. 126). Change of electric street lighting ('17 c. 180; repealing '15 c. 263). Legalizing bonds for water works ('17 c. 191). Legalizing bonds for water or sewer system ('17 c. 195). Refunding bonds ('17 c. 335). Tax for musical entertainments ('17 c. 246). Consolidation of school districts ('17 c. 453; amended '21 c. 441).

Legalizing bonds ('19 c. 171). Separation of unplatted territory ('19 c. 239). Water works bonds ('19 c. 262). Lands for parking space ('19 c. 281). Appropriation for War Records Commission ('19 c. 288). Acquiring lands by home rule cities for parks and fair grounds ('19 c. 345). Tax levy ('19 c. 360). Legalizing sewer bonds ('19 c. 392). Tax levy for musical entertainments ('19 c. 518).

Legalizing bonds of home rule cities ('21 c. 4). Street improvements in home rule cities ('21 c. 18). Proceedings for street improvements legalized ('21 c. 50). Vacation of streets ('21 c. 94). Legalizing proceedings to establish electric plants ('21 c. 151). Payment of pavements by school districts ('21 c. 239). Payment of contractors' claims ('21 c. 277). Contracts for street improvements legalized ('21 c. 456). General act for incorporation of cities ('21 c. 462; see also 151-534, 186-694; 189-592).

Bonds for electric system ('23 c. 29). Consolidation for school purposes ('23 c. 35). Bond issues legalized ('23 c. 39). Tax levy for floating indebtedness ('23 c. 83). Paving bonds authorized ('23 c. 174). Bonds for water or light plants ('23 c. 181). Refunding bonds legalized ('23 c. 341).

PROVISIONS RELATING TO CITIES, VILLAGES, BOROUGH AND TOWNS

1829. Right of eminent domain—All cities and villages may exercise the right of eminent domain for the purpose of acquiring private property within or without the corporate limits thereof for any purpose for which it is authorized by law to take or hold the same by purchase or gift and may exercise the right of eminent domain for the purpose of acquiring a right of way for sewerage or drainage purposes and an outlet for sewage or drainage within or without the corporate limits thereof. The procedure in the event of condemnation shall be that prescribed by chapter 41, General Laws of the state of Minnesota for the year 1913, or that prescribed by the charter of such village or city. (R. L. '05 § 766; G. S. '13 § 1784; amended '17 c. 424 § 1)

85-76, 88+423.  
1830. Gifts to municipalities—Any city or village may accept a grant or devise of real ( ) or personal property ( ) and may maintain and administer such property for the benefit of its citizens in accordance with the terms prescribed by the donor. Provided, that nothing herein shall authorize such acceptance or use for religious or sectarian purposes. Every such acceptance shall be by resolution of the council adopted by a two-thirds majority of its members, expressing such terms in full. (R. L. § 767, amended '13 c. 319 § 1) [1785]

Village may accept grant of abandoned right of way, and sell same (101-298, 112+216).  
134-343, 159+833.

1831. Damages — Notice of claim — Limitation—Every person who claims damages from any city, village or borough for or on account of any loss or injury sustained by reason of any defect in any bridge, street, sidewalk, road, park, ferry-boat, public works or any grounds or places whatsoever, or by reason of the negligence of any of its officers, agents, servants or employees, shall cause to be presented to the common council or other governing body, within thirty days after the alleged loss or injury, a written notice, stating the time, place and circumstances thereof, and the

1828 Note  
25 — 5  
25 — 38  
27 — 2  
27 — 26  
Art 4 § 33  
164-M 6  
204-NW 57

1828N  
29 — 176  
29 — 278  
29 — 292  
1828N  
29 — 57

1829  
214-NW 930

1829  
29 — 383

1830  
156-M 177  
194-NW 404

1831  
152-M 299  
157-M 222  
188-NW 561  
196-NW 171

1831  
177m 547  
225nw 868  
227nw 653

169-M 47  
171-M 57  
213-NW 557

25 1831 37  
204-NW 56

27 1831 400  
164-M 63  
166-M 336  
207-NW 721  
211-NW 952

1831  
178m 326  
178m 489  
179m 553  
227nw 177  
230nw 89

1825  
223nw 135  
1825  
176m 240

1827  
223nw 135

182857  
Et seq. 201  
33 — 226  
33 — 239

amount of compensation or other relief demanded. No action therefor shall be maintained unless such notice has been given; or if commenced within ten days thereafter, or more than one year after the occurrence of the loss or injury. ('13 c. 391 § 1) [1786]

Section 4 repeals R. L. § 768, and all inconsistent acts and parts of acts.

By Section 6 the act takes effect July 1, 1913. Under R. L. § 768—Constitutional (72-539, 75+745. See 82-127, 84+788; 106-94, 118+259). Applicable only to injuries to person (97-23, 106+89). Cf. 30-545, 16+410. Not applicable to actions for death by wrongful act (87-237, 91+843; 111-253, 126+826). Not applicable to action by servant of municipality (95-293, 104+231; 97-171, 106+305; 119-63, 137+199; 139+716; 124-257, 144+955; but see 116-323, 133+804). Mandatory and applicable to all cities, villages and boroughs (72-539, 75+745; 78-200, 80+962; 74-157, 76+1029). Supersedes similar provisions in charters (80-415, 83+375; 80-414, 83+376; 86-26, 90+8). Notice sufficient where it complies with home rule charter (94-45, 101+940, 1133; 101-62, 111+840). Object to give municipal officers notice so that they may investigate promptly and determine advisability of resisting or settling claim (80-415, 83+375; 84-341, 87+917; 77-76, 79+653; 74-157, 76+1029; 30-545, 16+410; 66-14, 68+178). Place of accident must be described with reasonable certainty (76-20, 78+868; 40-446, 42+350; 110-55, 124+449). Amount claimed to be stated. Demand for "other relief" (72-539, 75+745). Amount claimed by parent and child (129-190, 151+976). Sufficient although it contains inaccuracies, if it conveys necessary information to proper person (40-446, 42+350; 110-55, 124+449; 111-544, 127+1134; 112-311, 127+1129; 116-17, 133+80; 132-170, 156+287). Cf. 91-207, 97+879; 138-350, 165+134. Date (130-410, 153+619). Error in address immaterial if service on proper person (52-364, 54+735). Signature of claimant with initials of husband sufficient (81-519, 84+458). To whom directed and how served (76-20, 78+868; 74-157, 76+1029; 76-456, 79+519; 84-205, 87+615; 77-76, 79+653; 87-484, 92+401; 90-158, 95+908; 86-26, 90+8). Claimant not concluded by amount claimed (84-341, 87+917). Meaning of "any defect in any bridge, etc." (38-536, 38+621; 54-279, 56+800). Pump-house included in "public works" (82-127, 84+788).

Not applicable to injunction against nuisance (132-121, 155+1067). Not applicable to action for damages to real property growing out of the re-establishment of a grade line of a street, etc. (133-405, 158+616).

This section does not give rise to a cause of action for negligence arising out of the operation of diversion and exercise instrumentalities in a public park, without charge. (188+561). See also 144-60, 174+517. Fevers contracted from contaminated water supplied from water-works (130-41, 153+121).

Plaintiff, while lawfully on private property, was injured by being struck by a piece of rock hurled by blasting, in a negligent manner by defendant in one of its streets. Held, within the statute (116-323, 133+804).

In 1897 c. 248, the clause "or by reason of the negligence of its officers, agents or servants" was not germane to the title, and no effect was given to it (82-127, 84+788; 97-23, 106+89). The clause, as it appears in the revision is valid (116-323, 133+804).

Not applicable to claim of liability under R. L. § 4536 [8246], for loss sustained by one furnishing labor or material to contractor with municipal corporation by reason of failure to take from contractor bond required by R. L. § 4535 [8245] (119-60, 137+192).

Notices of claims filed against cities of the first class during the month of January, 1920, legalized. ('21 c. 31).

Notices filed against villages during the month of May, 1920, legalized. ('21 c. 110).

**1832. Claims for death—Notice**—The provisions of section 1 shall also apply when the claim is one for death by wrongful act or omission, and in that case, the notice may be presented by the personal representative, surviving spouse or next of kin, or the consular officer of the foreign country of which the deceased was a citizen, within one year after the alleged injury or loss resulting in such death; provided, however, that if the person for whose death the claim is made, shall have duly presented within thirty days, a notice which would have been sufficient had he lived, the same shall be deemed sufficient within the terms of this act. ('13 c. 391 § 3) [1788]

**1833. To what cities and villages applicable**—This act shall also apply to cities and villages existing under a charter framed pursuant to section 36, article 4 of the constitution. ('13 c. 391 § 5) [1789]

Cities of the first class authorized to compensate for injuries sustained not more than six months prior to passage of act. '23 c. 306.

**1834. Judgment against municipality—Payment**—No execution shall issue on a judgment for the recovery of money against a city, village, or borough, ex-

cept as hereinafter provided. Upon delivery of a certified copy of the judgment, the treasurer of such municipality shall pay it out of any moneys in or coming into his hands not otherwise appropriated, unless collection thereof be stayed on appeal, always retaining a sufficient sum to pay necessary current expenses; and, if he fails so to do, he and his bondsmen shall be liable for the amount. In case there be no such treasurer, then, upon delivery of such certified copy and an affidavit of the judgment creditor, his agent or attorney, showing the amount due, and that the judgment has not been stayed on appeal, the county treasurer shall pay such judgment out of the funds of the municipality in or coming into his hands, taking receipt therefor. (769) [1790]

**1835. Claims based on relation of master and servant**—The provisions of section 1 shall also apply when the claim is based on the failure of the city, village or borough in one of the duties assumed by or imposed upon it as a master or employer. ('13 c. 391 § 2) [1787]

133-405, 158+616; 124-257, 144+955.

**1836. Tax levy—Execution**—When a judgment against a city, village, or borough is unpaid at the time of the annual tax levy, unless the proper officers thereof have otherwise provided sufficient funds to pay the same before the time for collection of such tax levy, they shall levy a tax to pay such judgment, and certify the same, and the purpose thereof, to the county auditor. If the judgment be not paid within twenty days after the time fixed by law for the county treasurer to pay over to the treasurer of the municipality the moneys in his hands belonging to it on account of such annual tax levy, execution may issue on such judgment, but only the property of such municipality shall be liable thereon. If there be no officers of the municipality to levy such tax, the judgment creditor may apply to the county auditor, who, upon being satisfied that the judgment has not been paid or stayed, shall levy and extend the tax. (770) [1791]

**1837. Codification of charter, etc.—Evidence**—Any city or village may cause its charter, and all general and special laws, ordinances, resolutions, rules, and by-laws in force therein, to be codified, printed, and published, and may declare, by ordinance, such codification to be prima facie evidence of the law of such municipality. It shall thereupon be received in evidence by the courts. (771) [1792]

**1838. Assessment abandoned or excessive—Limitation**—Whenever any special assessment shall have been levied upon real estate to defray the cost of a proposed local improvement, and the improvement shall be abandoned, or the total amount of the assessment shall exceed the cost of the improvement, the municipality shall be liable to the owner in the first case for the amount of the assessment paid by him, and in the second case for such proportion of the excess as the amount of the assessment paid by him bears to the total assessment, and it is hereby made the duty of the proper authorities to make refundment. Provided application therefor is made by or on behalf of the party entitled thereto, or any action to recover the same is brought within six years after funds to pay the same have been appropriated and made available by the proper officers to fully pay the same. (R. L. § 772; amended '13 c. 306 § 1) [1793]

**1839. Transient dealers**—No person, without permission granted by vote of the council, shall engage temporarily in the business of selling goods in any city or village, unless such goods have been duly assessed for taxation within the state for the current year. No such permission shall be granted by the council until the applicant shall have paid to the treasurer such

sum as it may require, not exceeding fifty dollars per week, for the period for which permission is sought, which sum shall be fixed upon consideration of the kind, amount, and value of the goods offered. A transient dealer violating any provision of this section shall be guilty of a misdemeanor, and the fact that such goods are not listed for taxation in the county shall be prima facie proof that they are not assessed for taxation in the state. (773) [1794]

1840. Power to regulate transient merchants—That every city or village of the state of Minnesota, whether incorporated under a home rule charter or a general or special law of this state, in addition to all other powers given such city or village by any law of this state, shall have power by ordinance to regulate, control and license transient merchants, and to provide for the punishment of persons violating such ordinances. ('09 c. 84 § 1) [1795]

1841. Deposit of public funds—The council of any village, or of any city of the fourth class, may designate as a depository of city or village funds such national, state, or private banks as it may deem proper. Each shall give bond to the municipality, in at least double the amount authorized to be deposited therein, to be approved by the council, conditioned to repay all sums deposited therein upon proper demand therefor, and for the performance of such other duties as the council may require. And such council from time to time may require the city or village treasurer to deposit all or any part of the public funds in his hands in such banks, and to withdraw the same when so directed. No such deposit shall be made for a time extending beyond the term of the council then in office, and all the terms and conditions of deposit shall be set forth in the resolution designating the several depositories, which resolution shall be filed with the clerk or recorder. The treasurer shall not be liable on his bond for any money so deposited by direction of the council, and lost through the failure, bankruptcy, or other default of such bank. All interest accruing upon such deposits shall belong to the city or village. (774) [1796]

1842. Roads, bridges and ferries outside city or village—The council of any village or of any city of the fourth class may appropriate and expend such reasonable sums as it may deem proper to assist in the improvement and maintenance of roads lying beyond its boundaries and leading into it and to improve and maintain bridges and ferries thereon whether they are within or without the county in which it is situated. (R. L. § 775, amended '13 c. 111 § 1) [1797]

1843. Annexation of territory to certain cities and villages having 10,000 inhabitants or less—Ordinance—That whenever the majority of the owners of any property which has been platted into lots and blocks or outlots, or the owner of any tract, piece or parcel of land abutting upon any incorporated city or village having ten thousand inhabitants or less, whether such city or village is incorporated under general or special laws, shall petition the city or village council to have such property annexed to the city or village, the city or village council may by ordinance declare the same to be an addition to such city or village and thereupon such territory shall become a part of such city or village, as effectually as if it had been originally a part thereof. ('05 c. 220 § 1; amended '09 c. 383 § 1) [1798]

1844. Duty of council—Act supplementary—It shall be the duty of the council of any city or village adding territory under this act to cause a certified copy of the ordinance aforesaid to be recorded and filed in the office of the register of deeds of the county in which such city or village is located in the same manner as city

or village charters are filed and recorded under the general laws of this state. Provided, that this act shall be construed to be supplementary to any other law providing for the annexation of territory to villages and cities of less than 10,000 population, and not as repealing such law. ('05 c. 220 § 2; amended '09 c. 383 § 2) [1799]

1845. Annexation of territory to certain cities and villages—Any territory containing a population of not less than 75 persons, and not included in any incorporated city or village, but adjoining any city or village now or hereafter existing under the laws of the state of Minnesota, and no part of which territory is more than one and one-half miles from the present limits of the city or village which it adjoins, may be annexed to such city or village and become a part thereof, as follows: ('09 c. 113 § 1) [1800]

127-452, 149+951; 146-311, 178+815; 150-203, 184+850, 151-534, 186+592; 189+592.

1846. Petition for election—Five or more of the legal voters residing within such territory may petition to the governing body of such city or village to call an election for the determination of such proposed annexation. The petitioners shall first cause to be taken a census of the resident population of said territory, and if found to be 75 or more, the petition shall be presented to the said governing body within four weeks thereafter. It shall set forth the boundaries of such territory, the quantity of land embraced therein and the number of actual residents thereon. It shall be verified by the oaths of at least three of the petitioners, declaring that such census was accurately taken within four weeks and that the statements within the petition are true. ('09 c. 113 § 2) [1801]

132-48, 155+1064; 132-59, 155+1040.

1847. Duty of governing body—Such governing body shall receive such petition and may in its discretion cause a copy thereof, with a notice attached thereto, fixing a time and place for holding an election, to be posted in three public places within such territory. The time for holding the election may not be less than ten nor more than thirty days after such posting, and the place, within the limits of such territory. ('09 c. 113 § 3) [1802]

1848. Election, how conducted—Ballots—Said governing body may also appoint three inspectors, residents of said territory, who shall act as judges of said election and conduct the same, so far as practicable, in accordance with the laws regulating the election of town officers. Only voters residing within said territory shall be entitled to vote. The ballot shall bear the words "For annexation, Yes....., No.....," with a space after each of the last two words, in one of which the voter shall make a cross to indicate his choice. Immediately after such election the inspectors shall canvass the ballots and forthwith make and file with the city or village clerk or recorder of such city or village, a certificate stating the time and place of holding said election, that they have canvassed the ballots cast thereat, and the numbers cast for and against said proposition. The certificate shall be signed and verified by all of said inspectors to the effect that the statements therein are true. ('09 c. 113 § 4) [1803]

127-452, 149+951.

1849. Duty of city or village clerk, etc.—Such city or village clerk or recorder shall attach said certificate to the original petition with a copy of the resolution appointing said inspectors and the original proofs of posting of the election notices, and file the whole as one document in his office. If the certificate shows that the majority of votes cast were in the affirmative, he shall forthwith make and transmit to the secretary of state a certified copy of said document to be filed as a

1841  
15-NW 174  
1841  
172m 324  
174m 56  
218nw 444  
9692  
1841  
215nw 174  
232nw 320  
1841  
181m 271

1843  
167-M 307  
209-NW 3  
23-G.S. 1720

public record, and shall also transmit to the county auditor of the county in which such city or village is situated a certified copy of said document to be filed as a public record and thereupon the annexation of said territory to said city or village shall be deemed complete. If the certificate shows that the majority of votes cast were in the negative, no subsequent petition shall be entertained within two years next after said election. ('09 c. 113 § 6) [1804]

1850. Change of names—That whenever twenty per cent (20%) of the legal voters of any incorporated village or city of the fourth class of this state shall petition the governing body of such municipality for a change of the name of such municipality, the question of such change of name may be submitted to the voters of such municipality at any general or special election, and if a majority of all the votes cast upon the question are in favor of such change, the governing body of such municipality may, by ordinance, by a four-fifths vote of all members thereof, change the name of such municipality. ('13 c. 431 § 1) [1805]

1851. Effect of change, etc.—Upon the filing of a certified copy of such ordinance with the county auditor of the county in which such village or town is located and with the state auditor and secretary of state, the name of such village or town shall be changed as in such ordinance provided. Such change in name shall in no way affect any liability, obligation, power, duty, law or ordinance or other matter or thing in any way relating to such village or town, excepting that the new name of such village or town shall thereafter be substituted for and used in the place of its old name. ('13 c. 431 § 2) [1806]

1852. Water, light, power and building commission in cities and villages having less than 10,000 inhabitants—There may be created in every city and village in the state of Minnesota having a population of less than ten thousand inhabitants, a water, light, power and building commission, with powers and duties as hereinafter provided. ('07 c. 412 § 1) [1807]

Powers of Commission (113-237, 129+377).  
No power to employ attorney (117-323, 136+402).

1853. Population, how determined—In determining the population of any such municipality, the last census taken therein and by authority of the state of Minnesota shall be conclusive as to the population thereof, for the purpose of this act. ('07 c. 412 § 2) [1808]

1854. Appointment—Term—Said commission shall consist of three members and shall be appointed by the common council of said city or village, as the case may be, and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and all said commissioners shall hold their office until their successors are appointed and qualified by subscribing to an oath that he will faithfully and impartially perform the duties of this office. ('07 c. 412 § 3) [1809]

1855. President, how appointed—There shall be appointed each year thereafter by the said council one member of the said commission whose term of office shall be for three years, and each member of said commission shall be president of said commission during the last year of the term for which he is appointed. ('07 c. 412 § 4) [1810]

1856. Secretary—Duties and powers—Bond—Compensation—The said water, light, power and building commission shall have the power and authority, and it is hereby given the power and authority to appoint and employ a secretary of said commission, who shall qualify as hereinafter stated, and upon such qualification shall be the secretary of said water, light, power and building commission, provided, that in cities organized under the provision of chapter 8, General Laws

1895, the city clerk shall be the secretary of said commission. Such secretary shall keep an accurate record, in books kept by him for that purpose, of all the proceedings and business transactions of said commission and he is also empowered and it is hereby made his duty to collect water, light and rent charges from patrons for the said city or village as the case may be, and at once pay the same into the treasury of said municipality and he shall make a detailed statement of the same at the regular monthly meeting of said commission, which shall be held on the first Tuesday of each month. He shall be furnished by said municipality with all the necessary books and stationery to properly perform all the duties of his office and he shall be required to furnish a corporate bond running to such municipality, in such amount to be fixed by said commission, that he will faithfully perform all the duties of his office as is required of him by law and promptly pay over to the treasurer of said city or village, as the case may be, all moneys and deliver up all property to the council of said city or village, belonging to said municipality, that he may have in his possession. Said bond shall be approved by the said commission and filed with the city or village treasurer, as the case may be. The compensation of said secretary for his said services shall be fixed by the said commission in a sum not to exceed seventy-five dollars (\$75.00) per month, the same to be when so fixed full compensation for services performed as secretary of said commission, which compensation shall be paid out of the treasury of said municipality. Said commission shall be authorized and fully empowered, and it is hereby authorized and fully empowered to revoke its said appointment and discharge its said secretary any time it may see fit and whenever it does so revoke such appointment and discharge its secretary it shall have and is hereby given the power and authority to reappoint and employ such other secretary as it may desire or determine. ('07 c. 412 § 5; amended '11 c. 239 § 1) [1811]

1857. Powers of commission—Said commission shall have full, absolute and exclusive control of and power over the water, light, and power plant or plants, and all parts, attachments and appurtenances hereto, and all apparatus and material of every kind and description used or to be used in operating said plants, or any or either of them in all said municipalities aforesaid, including all other public buildings and halls owned by said municipality. They shall have the power and authority to operate the same and each thereof, and to extend, add to, change or modify the same, and to do any and all things in and about the same which they may deem necessary for a proper and economical operation of the same; provided, they shall not have the right to sell, lease, rent or in any way dispose of or incumber, or suffer, or permit, the said property or any part thereof, to come under the control of any other person or corporation whatever, provided, however, this shall not prevent the said commission from renting or leasing public halls or buildings for public use and entertainments. They shall have authority to buy all material, and employ all help necessary, or they may contract to extend, add to, change or modify said plants, buildings and halls, or any part thereof; they shall also have authority to buy all fuel and supplies, and employ all help necessary to operate said plants. ('07 c. 412 § 6) [1812]

113-237, 129+377; 117-323, 136+402.

1858. Rates, how fixed—Warrants—Publication of proceedings—Said commission shall fix all water and lighting rates to patrons, and rents for public halls and buildings as hereinbefore provided; provided, however, that the provisions of this act shall not impair

1851 - 60  
156-M 279  
194-NW 624  
1854 - 55  
25 - 327

1852  
31 - 190  
1852  
Et seq.  
33 - 111  
33 - 221

1857  
33 - 278

1856  
27 - 163  
27 - 357

the obligations of existing contracts; said commission shall audit all claims and the said secretary of said commission shall draw his warrant upon the treasurer of said city or village for the amount allowed by said commission, and said warrant shall be countersigned by the president of the said commission. Said commission shall publish in the official newspaper in said municipality at the end of each three months, all proceedings of said commission, together with a detailed statement of all the revenue received by said commission during the three preceding months. This act shall apply to all cases where the plant or plants or buildings are wholly or in part within, or wholly or in part without, the corporate limits of said municipality. ('07 c. 412 § 7; amended '11 c. 239 § 2) [1813]

113-237, 129+377.

**1859. Act, how availed of**—Any city or village in the class mentioned in the title of this act which may wish to avail itself of the provisions of this act shall do so by resolution of its common council, expressly accepting the provisions hereof, which resolution shall be adopted by a vote of a majority of all the members of said council, and be approved by the mayor of such city or the president of such village, council, and this act shall not apply to any sub-city or village until the adoption as aforesaid of such resolution. ('07 c. 412 § 8) [1814]

**1860. Not to apply to cities under home rule charters**—This act shall not include or apply to cities now or hereafter governed under a charter adopted under and pursuant to section 36, article 4 of the constitution of this state, and the several acts of the legislature authorizing cities to adopt their own charter. ('07 c. 412 § 9) [1815]

**1861. Inspectors of gas, electric light, heat and water meters**—That in addition to the powers heretofore granted by law to the cities and villages in this state, which power shall not be limited or abridged by the provisions of this act, there is hereby granted to the council or governing board of any such city or village the power and authority to appoint inspectors of gas, electric light, heat and water meters. ('07 c. 343 § 1) [1816]

**1862. Powers and duties—Term—Salary**—Such inspector shall have power and authority to, at all reasonable hours, inspect and read any gas, electric light, heat or water meters, whether the same be connected with a plant owned by such municipality, or owned or operated by any person, corporation or association in said city or village. Such inspection may be made either under the direction of the council or governing board of any such city or village, or at the request of any private owner or patron of any such gas, electric light, heat or water plant, and such inspector—when requested or required so to do—shall report upon the condition of any such meter and in reference to such other matters concerning the same as shall be required of such inspector, that the term of office of such inspector shall not be for a longer period than two years and that the said inspector's salary shall not exceed fifteen hundred dollars annually. ('07 c. 343 § 2) [1817]

**1863. Compensation and term, how fixed**—The council or governing board of any such city or village shall have the power and authority to fix and determine the compensation to be paid to or received by such inspector, and his term of office. ('07 c. 343 § 3) [1818]

**1864. Extending water pipes on streets, etc.**—Any city or village in the state of Minnesota now or hereafter owning and operating water works is hereby authorized to extend its water works and water pipes over, under and along any road, street, alley or public

highway in this state, whether within or without the corporate limits of such city or village, and to supply water for a reasonable compensation to the occupants of property adjacent or accessible to the line so extended, whether within or without the corporate limits of such city or village; provided, however, this act shall not be construed as granting any rights to any city or village within the corporate limits of any other city or village; provided, further, that such line shall be so extended as not to interfere with the safety or convenience of ordinary travel over said roads, streets, alleys and public highways. ('05 c. 228 § 1) [1819]

**1865. Leasing, selling or abandoning of water works and lighting plants**—Any village or city of the fourth class in this state wherein there is constructed and in operation water works and lighting plant or water works or lighting plant for supplying water and light, or either of them, for public purposes or for the private use of its inhabitants or both, owned by any such city or village, may by resolution or ordinance of its governing body, passed and adopted in the usual manner, sell, lease or abandon any such plant or any specific part thereof; if a specific part of such plant is to be sold, leased or abandoned, such resolution shall state the specific part to be so sold, leased or abandoned. Before any such resolution or ordinance shall become effective, the same shall be submitted to the legal voters of such village or city at a regular village or city election or special election therein and approved by a two-thirds vote of the electors voting thereon at any such election. The ballots at any such election shall be printed and contain in full the resolution or ordinance to be voted upon and thereon immediately following the resolution or ordinance, there shall be printed in appropriate manner the words "yes" and "no" on separate lines and every voter desiring to vote in favor of such proposition shall thereupon make his cross (X) mark opposite the word "yes" and every voter desiring to vote against such proposition shall make such mark opposite the word "no." In case of villages such election shall be conducted and the votes cast thereat shall be canvassed and the result thereof certified in like manner as in case of an election for village officers, and in case of cities of the fourth class, such election shall be conducted and the votes cast thereat shall be canvassed and the result thereof certified in like manner as in case of an election for city officers in the respective cities of the fourth class according to the law or charter governing such city. ('17 c. 172 § 1)

§ 4 repeals '15 c. 79.

**1866. Execution of lease, etc.**—Thereupon if any such proposition shall be declared adopted and carried at any such election, the proper officers of any such village or city of the fourth class shall forthwith proceed to carry out the same according to such resolution. ('17 c. 172 § 2)

**1867. Application**—This act shall apply to all villages in this state and to all cities of the fourth class however organized and whether operating under general or special laws or home rule charters, or otherwise. ('17 c. 172 § 3)

**1868. Park boards**—There may be created, in the discretion of the governing board thereof, in every city or village in the state of Minnesota, having a population of less than twenty thousand and more than one thousand inhabitants, a park board with powers and duties hereinafter provided. ('09 c. 441 § 1; amended '23 c. 26 § 1) [1820]

**1869. Population, how determined**—In determining the population of any such municipality, the last census taken thereby by authority of the state of Minnesota or of the United States government shall be

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conclusive as to the population thereof for the purposes of this act. ('09 c. 441 § 2) [1821]

1870. **Board, how constituted and appointed, etc.**—Said board shall consist of three members and shall be appointed by the mayor of the city or president of the village council and confirmed by the common council of said city or village; and when first created one shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, and said members shall hold their offices for the term of three years and until their successors are appointed and qualified; and each member so appointed shall qualify within ten days after notification of his appointment by subscribing an oath that he will faithfully and impartially perform the duties of his said office, and shall file his said oath in the office of the village recorder or the clerk as the case may be. There shall be appointed each year thereafter by said council one member of said board whose term of office shall be three years, and each member of said board shall be president thereof during the last year of the term for which he is appointed. ('09 c. 441 § 3) [1822]

1871. **Powers and duties**—Said park board shall have full, absolute and exclusive control of, and power over, all real estate now or hereafter acquired by said municipality and set apart for park or boulevard purposes therein or in adjoining territory, and all public property used therein or therefor. Said board shall have power and authority to maintain the same, and to beautify and improve any and all such lands and the approaches thereto for the benefit of the general public; to erect and construct therein such roadways and paths, buildings, fountains, toilet rooms, or other improvements necessary to meet the requirements of the visiting public; to buy all necessary material and fuel required to carry out the provisions of this act; to make such reasonable rules and regulations for the government of the same as may be deemed necessary and proper; to employ such help in and about the conduct of such parks and boulevards as may be found necessary; to provide musical and other free entertainment for the general public; to employ a secretary at a salary not exceeding five hundred dollars per annum, whose duty it shall be to keep a full and complete record of all the transactions of said board, attend its meetings, and do and perform such other duties as may from time to time be required of him, by said board; to employ an attorney if found necessary to assist the board at a salary of not exceeding five hundred dollars per annum; to fix the compensation of any and all persons employed by said board; to audit and allow all just claims for labor, services or material furnished by order of said board, and endorse its approval of such claims thereon when allowed, which claims when so audited and allowed and endorsed shall be presented to the council of said municipality for payment and paid by said municipality as other claims are paid; provided, said board shall not have the right to sell, rent, lease or in any other way dispose of or encumber, or suffer, or permit the said property, or any part thereof, to come under the control of any other person or corporation whatever. Said board shall also have power and authority to receive on behalf of said municipality any proper donations of statuary, shrubbery, trees, material, or other personal property for use in and about the said parks and boulevards. Said board shall make detailed report of all its doings and proceedings to the council at least once in three months. ('09 c. 441 § 4; amended '23 c. 26 § 2) [1823]

1872. **Compensation of members**—Said members of said board shall serve without compensation except such as may be provided by the council of said municipi-

pality, which council shall in no case fix any greater compensation for service of each of such members than one hundred dollars per annum, which said salary, if any be allowed, shall be paid by the municipality as other claims are paid by it; and nothing in this act shall be construed so as to prevent any person from holding membership in said board, and also in the light, water and power commission. ('09 c. 441 § 5) [1824]

1873. **Act, how availed of**—Any city or village mentioned in the title of this act which may wish to avail itself of the provisions hereof shall do so by resolution of its council, expressly accepting the provisions hereof, which resolution shall be adopted by a majority of all the members of said council and approved by its presiding officer, and this act shall not apply to any such city or village until the adoption as aforesaid of such resolution. This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore adopted by any city or village under the laws of this state, and this act shall not in any manner apply to any such city or village. ('09 c. 441 § 6) [1825]

1874. **Boulevards, power to construct or rebuild**—Whenever the village council of any village, incorporated under the General Laws of this state, or the common council of any city having a population of ten thousand inhabitants or less, incorporated under the General Laws of this state, shall deem it necessary and expedient to construct or rebuild any boulevard in said village or city, they may, acting on their own motion, and if a majority of the owners of the property fronting on the street or streets where it is proposed to construct a boulevard, shall petition the village council or common council of any such city therefor, they shall adopt a resolution to that effect, which resolution shall specify the place or places where such boulevard shall be constructed, the width, the size and manner of construction thereof, and the time within which the same shall be completed, which shall not be less than forty days after the service of said resolution, as hereinafter provided. Said resolution shall contain the names of the owners of all lots, parts of lots, and parcels of ground fronting the street or streets where such boulevards are to be constructed. ('05 c. 330 § 1) [1826]

1875. **Service of resolution**—Such resolution shall be served upon the persons named in said resolution at least forty days prior to the time therein named for the completion of said boulevard in the following manner:

First—By causing a copy thereof to be handed to, and left with, each of the persons therein named who are residents of and within said village or city, and are actually therein.

Second—If any of the persons so named in said resolution are not residents of said village or city, or cannot be found therein, then said resolution shall be published in one issue of a newspaper regularly published in said village or city, in the English language, and having a general circulation therein, or in the designated official paper of said village or city.

Third—If there be no such newspaper published in said village or city, then such service and publication may be made by posting a copy of said resolution in at least three public places in said village or city, at least forty days prior to the time named therein for the completion of said walk or sewer.

Affidavits shall be made by the person serving or posting said resolution of the manner, time and place of serving or posting the same, and by the foreman, editor or publisher of such newspaper of the time and manner of publishing the same, and such affidavits



shall be attached to said resolution and, with it, filed with the village or city recorder. Any and all such services, when made in accordance with the provisions of this act, shall for the purposes thereof, be deemed personal services of such resolution upon the persons named therein. ('05 c. 330 § 2) [1827]

1876. Assessments—If such work shall not be fully done, and said boulevard shall not be fully constructed or rebuilt in the manner and within the time prescribed in said resolution, then the village council or common council of said city may order the same to be done by the street commissioner, or commissioners of public works, or cause the same to be done by contract let to the lowest responsible bidder, the entire expense thereof to be paid out of the general (revenue) funds of said village or city. At any time within thirty days after said village or city shall have completed the construction of said boulevard as aforesaid, the village council or common council of such city shall adopt a resolution fixing a time and place when and where they shall hear testimony of all persons interested or affected and ascertain the amount of benefits to property fronting such boulevard by reason of the construction thereof, and such resolution shall be served on all the persons named in the resolution adopted under section one of this act, and in the manner therein provided. At the time and place named in said resolution said village council, or the common council of said city, shall hear any and all testimony offered by or on behalf of all parties interested or affected by the construction of said boulevard and for said purpose the president of the council or other presiding officer is hereby authorized to administer oaths to witness. Thereupon by resolution, the village council, or common council of said city, shall determine the amount of benefits caused by said construction, to each lot, part of lot, or parcel of ground fronting the street or streets where such boulevard shall have been constructed or rebuilt as aforesaid; and a full and complete record thereof shall be made and kept by the village or city recorder in a separate book kept for that purpose, which record shall contain a description of the property benefited and charged with the construction of such boulevard, the amount of benefit determined in each case as aforesaid, and when so determined the amount of each annual installment thereof; when transmitted to the county auditor of the county for assessment; the amount paid hereon and when paid. Such record to be used in making each annual levy and assessment, as in this act provided. The amount of (the) benefits to each lot, part of lot, or parcel of ground so determined as aforesaid, shall be and become a charge against the same and shall be assessed thereon, as (in) the case of county, city or state taxes in three annual installments. ('05 c. 330 § 3) [1828]

1877. Issue and sale of treasury orders—If such assessments for either or any of the purposes aforesaid be not fully paid to the street commissioner, village or city treasurer, or other officer authorized by law to collect the same, within twenty days after said boulevard has been fully constructed or rebuilt, as aforesaid, the village council, or common council of said city, may issue, or cause to be issued, the orders of said village or city, on the treasurer thereof for the aggregate amount of the unpaid balance of each of said assessments, payable in three annual installments, each of which installments shall be represented by a separate order, bearing interest at a rate to be determined by said village or city council, not exceeding 6 per cent per annum, from their date until maturity, and payable as follows: One payable on or before the first day of June, of the year next following the issuing thereof; one payable on the first day of June of the second year

next following; and one payable on the first day of June on the third year next following. Said orders shall be made payable to bearer, and the same may be issued, negotiated and sold by said village or city for not less than their par or face value. All said orders shall be in substantially the following form: \$..... Dated at ....., Minnesota,..... 19....

The treasurer of the (village or city) of..... will pay to the bearer hereof the sum of..... dollars and ..... cents on or before the first day of June, A. D. 19...., with interest thereon at the rate of ..... per cent per annum from date hereof until maturity. This order represents one-third of the amount expended in the construction of a boulevard in said (village or city) in the year 19....

A record of all said orders shall be made and kept by said village or city recorder, which record shall show the date same was issued, amount of order, date when due, to whom sold, amount sold for, and for what purpose the same was issued, when the same was paid, and the amount paid as shown by the treasurer's books. Books shall be provided for said purpose. ('05 c. 330 § 4) [1829]

1878. Tax levy—After the completion of said boulevard as aforesaid by said village council or common council of said city, said village council or common council of said city, shall annually, on or before the first day of October of each year, until the whole of said assessments have been levied as herein provided, cause a statement of the amount of one of the said three annual installments, with six per cent annual interest thereon computed from the time of completion of said work to the first day of June following the making of said levy added thereto, to be transmitted, with the village or city taxes for that year, to the auditor of the county, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection and payment thereof, and the same shall be enforced with, and in like manner, as city, county and state taxes are collected and payment thereof enforced. After the completion of said boulevard the owner or owners of said land adjoining the same, or interested therein, shall have the privilege of paying all or any portion of the cost of construction thereof to said village or city at any time within twenty days thereafter, and before said levy has been made, and the amount so paid shall be deducted from the amount of said assessment. ('05 c. 330 § 5) [1830]

1879. Application—Chapter forty-nine of the General Laws of Minnesota for the year 1899, and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Provided, however, that this act shall not apply to any city or village of this state having a population of less than ten thousand operating under a special law or special charter. Provided, further, that this act shall not in any way affect any assessments heretofore made by any city or village or any assessments hereafter to be made by any city or village upon any contract made prior to the time when this act shall take effect. ('05 c. 330 § 6) [1831]

1899 c. 49, was repealed by § 9307.  
1880. Sewer systems—In any city of this state having a population of ten thousand (10,000) or less, and in all villages and boroughs of this state, whether organized under the General Laws or a special law, the city, village or borough council shall have power to maintain and extend any existing sewer system, to relay, alter or extend any existing sewer system and to establish and maintain a general system of sewers, to

1880 Et seq. 205  
166-M 207-NW 310  
1880-1906 14  
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1880 90  
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1880-1906 51  
177m 224nw 258  
232nw 917

create sewer districts, and change, diminish or enlarge the boundaries thereof from time to time; to establish and maintain sewage treatment plants when deemed necessary. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 2; '21 c. 295 § 1)

**1881. Classification of sewer systems**—The city, village or borough council may at any time establish a general sewer system, and may classify sewers as general, district, joint-district and lateral. General sewers shall be the designation of such large sewers as shall be common to the entire city, village or borough or used as outlets for district or joint-district sewers, and shall not include those which may or shall be constructed for the immediate draining of any particular district. District sewers shall be the designation of all main sewers laid for the immediate draining of a particular sewer district. Joint-district sewers shall be the designation of such large sewers as may be laid through or be used jointly by two or more sewer districts between a district sewer and a general sewer or independently of general sewers, and for all purposes of construction, maintenance, repairing and taxation or providing for the cost therefor, shall be treated as though in a single district. Lateral sewers shall be the designation of all sewers of whatever size, capacity or length, which may be constructed to drain any portion of a sewer district directly into any district, joint-district or general sewer. Sewer districts shall be wherever practicable laid out to include any particular portion of the city, village or borough, which may be drained entirely by itself, or which may be first drained by itself and then through connection with a general sewer. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 3)

**1882. Location of sewers**—All general, district and joint-district sewers shall be laid when practicable, in public grounds, streets or alleys. Whenever it shall be necessary in the judgment of the city, village or borough council to lay and maintain any general, district, joint district, or lateral sewer in or through other than public lands, the city, village or borough, may acquire the right thereto by purchase, or by condemnation under the right of eminent domain. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 4)

**1883. Ordinance for improvement**—No action shall be taken for the extension of any existing sewer nor for the construction of an entire or partial system, except upon the adoption of an ordinance or resolution by a majority vote of all the members of the city, village or borough council. The creation of sewer districts and the alteration of the boundaries thereof shall be by ordinance, and the council may at all times cause inspections, surveys, plans and profiles to be made by the city, village or borough engineer, or other competent engineer to be selected by the city, village or borough council, and reported to the city, village or borough council for its guidance in determining the form and extent of any sewer district to be created, enlarged or diminished; and such sewer districts shall be consecutively numbered. ('03 c. 312, amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 5)

**1884. Cost of system**—The cost of constructing a general sewer, plant or plants for treating the sewage therein or the securing an outlet therefor shall be paid out of the sewer fund, if any, or if there is no sufficient sewer fund, then out of the general revenue fund of the city, village or borough. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 6; '21 c. 295 § 2)

**1885. Spreading of assessments**—The cost of constructing any district sewer, plant or plants for treating the sewage therein and the securing of an outlet for such district sewer or treatment plant into any

county or judicial ditch, may be assessed against all the land in the sewer district subject to assessments for local improvements, according to special benefits to each lot, piece or parcel of land in the district without regard to cash valuation. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 7; '21 c. 295 § 3)

**1886. Assessments in more than one district**—The cost of constructing every joint district sewer, plant or plants for treating the sewage therein and the securing of an outlet for such joint district sewer or treatment plant, into any county or judicial ditch, may be assessed against all the land in the two or more sewer districts which it drains, and for that purpose all of the districts so drained by any joint district sewer shall be treated as one district, and the same plant, method and means employed as in assessing for the cost of a district sewer, treatment plant for same or outlet therefor. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 8; '21 c. 295 § 4)

**1887. Cost of lateral sewers**—The entire cost of constructing all lateral sewers may be assessed against every lot, piece or parcel of land abutting thereon, subject to assessment for local improvement at an equal sum per front foot without regard to cash valuation. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 9)

**1888. Estimate of cost**—Whenever the city, village or borough council shall determine by ordinance or resolution to alter, repair, relay or extend any existing sewer, or to construct any new sewer, the cost thereof shall be estimated by the city, village or borough engineer or some other competent engineer to be selected by the city, village or borough council, who shall draw plans and specifications and tabulate the results of his estimate of the cost, and report the same to the city, village or borough council; and such plans and specifications shall be filed with the clerk or recorder of such city, village or borough before any proposals for bids for work thereunder shall be advertised, and shall remain on file, open to the inspection of all persons until after the contract for such work shall be let and copies of such plans and specifications shall be furnished by the engineer who shall prepare the originals, to any person applying therefor, at a cost of seventy-five cents per hour for the time necessarily employed in making such copies. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 10)

**1889. Advertisements for bids**—The city, village or borough council shall then cause proposals for bids for such work to be advertised in the official paper of the city, village or borough, and in a newspaper or trade paper published in a city of the first class in the state, at least once in each week for three successive weeks, which advertisement shall specify the work to be done and shall call for bids upon a basis of cash payment for the work, and shall state the time within which bids will be received and the exact time at which the same will be opened for consideration by the city, village or borough council. For the purposes of this act, a trade paper in order to be qualified as a medium of such proposals for bids shall have all the qualifications prescribed for a legal newspaper in Section 9413 of General Statutes of Minnesota for 1913 and the amendments thereto except that instead of the requirement that it shall contain general and local news as provided by sub-division 3 of said Section, such trade paper may and shall contain in lieu thereof, building and construction news of interest to contractors in this state among whom it shall have a general circulation. No bid shall be considered unless the same shall be accompanied by a cash deposit or duly certified check payable to the order of the treasurer of the city, vil-

lage or borough or a bidder's bond executed by the bidder as principal, and such corporate surety or personal sureties as shall be approved by the council of such city, village or borough, for at least fifteen per cent of the amount bid, and be directed to the clerk or recorder of the city, village or borough, securely sealed, so as to prevent its being opened without detection, and be indorsed upon the outside wrapper with a brief statement or summary as to the work for which the bid is made. In letting contracts for any such work it shall be the duty of the city, village or borough council to require the execution of a written contract and a bond in such sum as the city, village or borough council may require, conditioned for the faithful performance of the contract and for saving the city, village or borough harmless from any and all liability in the prosecution and completing of the work. The city, village or borough council, if a contract is awarded, shall award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the city, village or borough the amount of his cash deposit or certified check, and the city, village or borough council may thereupon award the contract to the next lowest responsible bidder; provided the city, village or borough council shall have the right to reject all bids, and provided further, that whenever the estimates made for the city, village or borough council for the entire work projected shall be less than five hundred dollars, then the city, village or borough council, may directly purchase the materials therefor and cause the work to be done by day labor. Every contract awarded under this act shall be made between the city, village or borough as one party, in the name of the city, village or borough, and the successful bidder as the other party, and such contract shall be executed on the part of the city, village or borough by the mayor or executive officer thereof and countersigned by the clerk or recorder of said city, village or borough, with the corporate seal of the city, village or borough affixed, and an attested copy thereof shall be filed and remain in the office of the clerk or recorder of the city, village or borough.

In every contract executed under this act, whether or not so stated therein, there shall be reserved the right of the city, village or borough council to have the work supervised by the city, village or borough engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by the contractor, to order and cause suspension of the work at any time and to re-let the contract therefor or to order a reconstruction of any portion of the work improperly done, or where the remaining work to be done or the work of reconstruction to be made shall call for an expenditure of less than five hundred dollars to complete the work of reconstruction by the employment of day labor. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 11; '21 c. 443 § 1)

1890. Allowance of estimates—In case the contractor to whom any such contract may be let shall properly perform the work therein designated, the city, village or borough council may, from time to time, before the completion of the work, in its discretion, pay to such contractor eighty (80) per cent of the amount already earned thereunder upon the estimate of the city, village or borough engineer or other competent engineer selected by the city, village or borough council. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 12)

1891. Amount of special assessment—Whenever any work or improvement provided for by this act shall have been determined upon and a contract let therefor,

or outlet secured, the city, village, or borough engineer, or other competent engineer selected by the city, village or borough council, shall forthwith calculate the proper amount to be specially assessed for such district, joint district and later all sewers, treatment plants or outlet against every assessable lot, piece or parcel of land within sewer district affected, without regard to cash valuation, in accordance with the provisions of sections seven, eight and nine of this act.

Provided that no property shall be especially assessed for the cost of a sewer in excess of the cost of a sewer eighteen inches in diameter, and that whenever any district, joint district or lateral sewer of larger diameter than eighteen (18) inches shall be laid or relaid, the cost thereof in excess of the estimated cost of a like sewer eighteen (18) inches in diameter shall be paid out of the sewer fund, if any, or in case there is no sufficient sewer fund, then out of the general revenue fund of the city, village or borough.

Provided further, that in calculating the special assessment for any district sewer or joint district sewer, the cost of laying or relaying such sewer in any public ground, street, or alley; and all catch basins, manholes, lamp holes and flushing valves and tanks and treatment plants shall be taken as a part of such district sewer or joint district sewer and to be paid for by such special assessment,

And provided further, that private owners may lay, relay, or extend any lateral sewer through any public ground, street or alley and connect the same with any general, district or joint district sewer, upon permission granted by a majority of the city, village or borough council, and that any private owner alone, or two or more owners jointly, may lay, relay or extend lateral sewers through private ground pursuant to rights acquired therefor by agreement or purchase from any private owner or owners. In the event that any private owner alone or jointly with others lay, relay or extend any such lateral sewer through public ground, the city, village or borough shall not be or become in any manner or in any respect liable for any act or negligence involved therein.

When such engineer shall have finished his calculation of the amount to be specially assessed, as aforesaid, against each lot, piece or parcel of land in the sewer district affected, he shall at once prepare and file with the clerk or recorder of the city, village or borough tabulated statements in duplicate, showing the proper description of each and every lot, piece or parcel of land to be specially assessed and the amount he has calculated against the same, and such statement shall be the basis of the assessment and be known as the proposed assessment to be made by the city, village or borough council, as hereinafter prescribed, and shall be laid before the city, village or borough council for its approval at its next regular meeting, to be held not less than ten (10) days thereafter. The clerk or recorder of the city, village or borough shall thereupon cause notice of the time and place when and where the city, village or borough council will meet in regular session to pass upon such proposed amendment, to be published in the official paper of the city, village or borough at least ten (10) days prior to such meeting of the city, village or borough council.

During all the time between the filing of such proposed assessment with the clerk or recorder of the city, village or borough and such meeting of the city, village or borough council such proposed assessment shall be open to inspection and copying by all persons interested.

At such meeting of the city, village or borough council, all persons aggrieved by such proposed assessment may appear before the city, village or borough council

and present their reasons why such proposed assessment or any particular item thereof should not be adopted, and the city, village or borough council shall hear and pass upon all objections thereto, if any, and may alter, or affirm and adopt such proposed assessment as may be deemed just in the premises, and upon the adoption by resolution of such proposed assessment the same shall be certified by the clerk or recorder of the city, village or borough and filed in his office, and shall thereupon be and constitute the special assessment. The amounts assessed against each lot, piece or parcel of land by such special assessment shall bear interest from the date of the adoption of such special assessment until the same have been paid, the rate of interest to be designated by a resolution of the city, village or borough council at the time of the adoption of such special assessment but not to exceed six per cent (6%) per annum, and such special assessment, with the accruing interest thereon, shall be paramount lien upon the property included therein from the time of the adoption of such assessment by the city, village or borough council, and shall remain such lien until fully paid, and shall have precedence over all other liens, except general taxes, and as to such shall be concurrent, and shall not be divested or impaired by any judicial sale, and no mistake in the description of the property or in the name of the owner shall invalidate the lien.

The city, village or borough council, may at any time by resolution direct the clerk or recorder of the city, village or borough to make up and file in the office of the County Auditor a certified statement of the amount of all such unpaid assessments and the amount of interest which will be due thereon on the first day of January of the following year, and the clerk or recorder of said city, village or borough shall within twenty (20) days thereafter make up and file such certified statement in the office of the auditor of the county, which statement shall also contain a description of the lands affected by the assessment. Such resolution may also direct that such special assessment shall be payable in equal annual installments, not exceeding ten, and payable on the first day of January of each year, each of said installments to bear interest at the rate hereinbefore provided until fully paid, provided in case such assessments are made to cover the cost of securing an outlet for a district or joint district sewer into a county or judicial ditch and in the order granting such outlet, the charge therefor is made payable in installments, then the assessment levied to cover same may be made in like installments payable at the same time and with interest at the same rate as may be necessary to meet such obligation, and the certified statement of the clerk or recorder shall in this case show the amount of each of such installments, the date when each installment becomes due and the amount of interest to be paid on each installment in each year. After said statement is filed in the office of the County Auditor it shall be the duty of such Auditor to extend upon the tax roll of each year the amount of such assessment or installment thereof, as the case may be, and the amount of interest which will become due on the first day of January of the following year as shown by said certified statement against the different lots or parcels of land therein described, and such amounts when so extended each year shall be carried into the tax becoming due or payable in January of the following year, and enforced and collected in the manner provided for the enforcement and collection of state and county taxes and the assessments and interest paid to the County Treasurer shall be paid over by him to the treasurer of such city, village or borough upon the apportionment of general taxes, but in

case such assessments or installments thereof are to cover payments due for a district or joint district sewer outlet as herein provided, then such payments shall be applied on same, Provided that any person may at any time before the transmission of the certified statement of the clerk or recorder of such city, village or borough to the County Auditor pay such special assessment as to any lot, piece or parcel of land affected thereby, together with the interest accrued thereon at the date of such payment, to the city, village or borough treasurer, and receive the proper receipt therefor, and the clerk or recorder of the said city, village or borough shall upon the presentation of such receipt from said city, village or borough treasurer, cancel upon the special assessment roll the special assessments so paid.

Provided further, that any person may pay any such assessment with accrued interest thereon after the same has been so certified to the County Auditor, provided the tax roll containing such assessment has not in due course been delivered to the county treasurer for collection and the receipt of such city, village or borough treasurer shall be sufficient authority upon presentation to the county auditor for him to mark such assessment "paid" upon his roll, but after the roll has been delivered to the county treasurer for collection, the said assessment must be paid to him, with the penalties allowed by law. The same penalties and interest shall attach and be collected by the county treasurer on assessment as upon general taxes, which penalties and interest shall belong to the city, village or borough and to be turned over by the county treasurer to the city, village or borough with the assessments. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 13; '21 c. 295 § 5)

1892. Supplemental assessment—In case of omission, errors or mistakes, in making such assessments in respect of the total cost of such improvement, or otherwise, it shall be competent for such city, village or borough council to provide for and make supplemental assessments to correct such omission, errors or mistakes; and such supplemental assessments shall be a lien as in case of the original assessment, drawing interest at the same rate and be payable and enforceable in the same manner as is herein provided with respect to the original assessment. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 14)

1893. Fund for each proposed sewer—All moneys collected on any such special assessments, other than to pay for sewer or treatment plant outlets, shall constitute a fund for the payment of the cost of the improvement in the district for which such assessment was made, and the same shall be credited to the proper sewer district fund under the designation: "Fund of Sewer District No. . . . ." and in anticipation of the collection of such special assessment the city, village or borough may issue warrants on such fund, to be known as "sewer warrants" payable at such times and in such amounts as, in the judgment of the city, village or borough council, the collections of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and may have coupons attached representing each year's interest. Each warrant shall upon its face state for what purpose it is issued and specify the particular fund against which it is drawn, and shall be signed by the mayor or executive officer and countersigned by the clerk or recorder of the city, village or borough and be in denominations of not less than fifty dollars nor more than five hundred dollars. Such warrants may be used in making payments on contracts for the improve-

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ments or may be sold by the city, village or borough for not less than par and the proceeds thereof used in paying for such improvement. It shall be the duty of the city, village or borough treasurer on presentation to pay such warrants and interest coupons as they mature, out of the proper sewer district fund, and to cancel the same when paid. If any such warrants shall become due, or any interest shall become due on any such warrant, when there are no funds to pay the same, the city, village or borough council is hereby authorized to effect a temporary loan for the payment thereof. ('03 c. 312, amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 15; '21 c. 295 § 6)

**1894. Payment of warrant**—Any matured sewer warrant or interest coupon may be used in payment of any such special assessment on any particular property situate within the district for which such warrant or coupon shall have been issued; and the warrants and coupons so used shall be cancelled and retired by the city, village or borough treasurer. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 16)

**1895. Conveyance not to be recorded until assessments are paid**—No conveyance of any land upon which any such special assessment, or portion thereof, is due and unpaid, shall be recorded until such delinquent assessment, or portion thereof, shall have been paid. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 17; '19 c. 261 § 1)

**1896. Proceedings for denoting lots and parcels of land**—In all proceedings and records prepared or used in the making, levy or collection of such special assessments, letters, figures and proper ditto marks may be used to denote lots, pieces and parcels of land, and blocks, sections, townships, ranges and parts thereof and dates. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 18)

**1897. Assessment not to be invalidated by errors or omissions**—No error or omission which may be made in any of the proceedings of the city, village or borough council or any officer of such city, village or borough, in refusing to, reporting upon, ordering or otherwise acting, concerning any local improvement provided for in this act, or in making any such special assessment or in levying or collecting the same, shall invalidate such assessment; unless it shall appear that by reason of such error or omission substantial injury has been done to the party claiming to be aggrieved. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 19)

**1898. Reassessment in case proceedings are set aside**—In all cases where any assessment, or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, or of any law of any city, village or borough prior to this act, for any cause whatever, whether jurisdictional or otherwise, shall be set aside, or declared void by any court, the city, village or borough council shall, without unnecessary delay, cause a reassessment or new assessment to defray the expenses of such improvement to be made, whether such improvement was made under this act or any laws of any city, village or borough prior to this act, and such reassessment or new assessment shall be made as nearly as may be, as herein provided for making the assessment therefor in the first instance; and when the same shall have been made and confirmed by the city, village or borough council, it shall be enforced and collected in the same manner that other assessments are enforced and collected under this act and in all cases where judgments shall hereafter be refused or denied by any court for the collection and enforcement of any special assessment, or where any court shall hereafter set aside or de-

clare void any assessment upon any lot or parcel of land for any cause, the said lot or parcel may be reassessed or newly assessed from time to time, until each separate piece or parcel of land has paid its proportionate part of the costs and expenses of said improvement as near as may be. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 20)

**1899. Prior assessments validated**—Nothing in this act shall effect any valid assessment made by any city, village or borough prior to the passage of this act, but all such prior assessments shall be collected in accordance with the provisions of law in respect of the same in force prior to the passage of this act, provided, that the provisions hereof applying to the levying of assessments and collection thereof for sewer or sewage treatment plant outlets into county or judicial ditch, shall apply to such outlet heretofore obtained as well as those hereafter if the charges therefor were made due and payable at future day or dates and have not yet been paid, or provision made for the payment thereof. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 21; '21 c. 295 § 7)

**1900. Hearings on proposed assessments**—The notice of the time and place when and where the city, village or borough council will meet in regular session to adopt any proposed assessment under section 13 of this act, and to be prepared by the clerk or recorder of such city, village or borough and published, shall specify the particular sewer district or districts in which the improvement is to be made, and shall describe with all reasonable certainty the location, extent and termini of the sewer or sewers to be laid, re-laid or extended; provided that no omission or inaccuracy in such notice shall invalidate the notice or the assessment, unless substantial injury shall be shown by the person claiming to be aggrieved thereby.

When the city, village or borough council shall meet for the purpose of adopting any proposed assessment under the provisions of section XIII of this act, no grievance or objection thereto, or to any item therein shall be heard by the city, village or borough council, unless the party objecting, or his duly authorized agent or attorney shall on or before the date of such session of the city, village or borough council file with the clerk or recorder of such city, village or borough for presentation to the city, village or borough council, a complete written statement of the objection with specific reference to the matter or items called in question and to which objection is made. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 22)

**1901. Appeals from special assessment**—Any person feeling himself aggrieved by such special assessment may, by notice in writing served upon the mayor or executive officer, and also upon the clerk or recorder of the city, village or borough, a copy whereof, with proof of service shall be filed in the office of the clerk of the district court of the proper county, within twenty days after the adoption of such special assessment, appeal from such special assessment to the district court aforesaid, and such appeal shall be disposed of in a summary manner by the court. And at the trial of such appeal no pleadings shall be required, but the party appealing shall in his notice of appeal specify and enumerate the particular grounds of his objection to such special assessment, and shall not be entitled to have considered on such appeal any grounds of objections or items other than those specified in such notice, and no question shall be tried on such appeal as to any fact which may have arisen or existed prior to the letting of the contract or contracts for the improvement; and a copy of the assessment roll in question and of the resolution of the city, village or bor-

ough council confirming or adopting the same, certified by the clerk or recorder of the city, village or borough, or the originals thereof, shall be prima facie evidence of the facts therein stated or denoted, and that such assessment was regular, just and made in conformity to law, and the judgment of the court on the determination of such appeal shall be final. Such appeal shall be entered and brought on for hearing and be governed by the same rules as far as applicable as in appeals from justices of the peace in civil actions, and like bonds shall be given to the city, village or borough by the person appealing as are required in the appeals from justices of the peace in civil actions, but such bond shall, to render such appeal effective, be approved by the judge of such district court. Provided, that no appeal to the district court shall be made, heard or determined as to such special assessment, or any item therein, unless such objection shall have been, as in this act specified, previously presented to and passed upon by the city, village or borough council. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 23)

**1902. Sewer to be kept in repair**—Whenever any such sewer shall be laid, relaid or extended, it shall be the duty of the city, village or borough council to maintain and keep the same in repair, at the expense of the city, village or borough. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 24)

**1903. Connections to be made only on permission**—All private connections shall be made with lateral sewers, unless some insurmountable obstacle of a practical or scientific nature shall prevent, and no private connection with any sewer whatever shall in any event be made without formal permission therefor granted by the city, village or borough council, and the making of all private connections with any sewer shall be subject to supervision and control by the city, village or borough council; provided that such supervision and control may be delegated by the city, village or borough council to the city, village or borough engineer or other person to be selected by the city, village or borough council at its discretion. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 25)

**1904. Right of eminent domain**—Whenever it shall become necessary for the city, village or borough to exercise the right of eminent domain for the purposes included within this act all proceedings therein shall conform as near as may be to the provisions of Sections 2620 to 2632, both inclusive of the General Statutes of 1894 and amendments thereto. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 26)

**1905. Act not to affect home rule charter cities or villages**—This act shall not be construed as in any manner superseding, repealing, amending or qualifying the provisions of any home rule charter heretofore or hereafter adopted by any city or village under existing laws; provided that any proceedings taken or commenced by any city or village under the provisions of this act before the time when such home rule charter shall take effect may be carried out and completed according to the terms and provisions of this act. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 27)

**1906. Inconsistent acts repealed**—All acts and parts of acts inconsistent with this act, except as qualified in Section 27 hereof, are hereby in all things repealed. ('03 c. 312; amended '07 c. 141; '09 c. 364; '09 c. 385; '13 c. 396; '15 c. 35 § 28)

(See also '17 c. 126, '19 c. 10, '21 c. 195.)

**1907. Pavements and gutter curbs**—In any village of this state, whether organized under a general or special law, now or hereafter having a population of ten thousand (10,000), or less, the common council shall have power to lay and maintain macadam or pavement and gutter and curbs, upon any of its streets and alleys, with any material which the common council may deem suitable, the council may, upon a petition of the owners of more than one-half the property affected, proceed with such improvement. ('17 c. 364 § 1)

**1908. Cost assessed against abutting property**—The costs of constructing any macadam, pavement, gutter or curb may be assessed upon the abutting property based upon the number of feet fronting upon said street or alley proposed to be paved or upon the basis of benefits; but the common council may pay the cost of constructing the macadam or pavement across intersecting streets and alleys, and one-half the costs opposite any public park or municipal property, and the entire costs of the gutters out of the general road fund, if any there be, or out of the general fund of said village. ('17 c. 364 § 2)

**1909. Ordinance for improvement**—No action shall be taken for the construction of any such improvement except upon the adoption of an ordinance or resolution by a majority vote of all members of the common council, at a meeting at which all property owners whose property is liable to be assessed therefor, have been notified to be present, by a notice of such meeting published for two weeks in the official newspaper. ('17 c. 364 § 3)

**1910. Branch sewers and water pipes**—Owners may be required to lay branch sewers and water pipes—Before making any such improvement the common council may by resolution require the owners of the abutting property to lay branch sewers and water pipes from the mains to the curb or lot line of each lot, and in case any property owner neglects to lay such sewer or water pipe, within sixty days (60) after being served with a copy of said resolution, the council may cause the same to be put in and may assess the cost of the same against the property and collect the same as taxes are collected. All such water pipe connections shall be of lead or such material as the council may prescribe. ('17 c. 364 § 4)

**1911. Plans, specifications — Bids**—Whenever the common council of any such municipality shall determine by ordinance or resolution to lay any such macadam, pavement, gutter or curb it may cause plans and specifications thereof to be made and filed with the recorder or clerk of such municipality and may advertise for bids for such improvements in the official paper and such other paper or papers as the council may deem advisable, once in each week for three successive weeks, which advertisement shall specify the work to be done and shall call for such bids on the basis of cash payment for such work and shall state the time when the bids will be open and considered by the council; no bids shall be considered unless sealed and filed with the clerk or recorder, and accompanied by a cash deposit or certified check payable to the clerk or recorder, for at least ten per cent (10%) of the amount of such bid.

In letting contracts for any such work, it shall be the duty of the common council to require the execution of a written contract and a bond in such sum as the council may require, conditioned for the faithful performance of the contract and for saving the village harmless from any and all liability in the prosecution and completing of the work; and conditioned further for the payment of all material used and labor performed thereon. The common council, if a contract is

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awarded, may award the same to the lowest responsible bidder. If any bidder to whom such contract is awarded shall fail to enter promptly into such written contract and to furnish such bond, then such defaulting bidder shall forfeit to the municipality the amount of his cash deposit or certified check, and the council may thereupon award the contract to the next lowest responsible bidder; provided the council shall have the right to reject all bids; and provided, further, that whenever the estimates made for the council for the entire work projected shall be less than five hundred dollars, then the council may directly purchase the materials therefor and cause the work to be done by day labor. The village council may have the work supervised by the village engineer or other person, and in case of improper construction or unreasonable delay in the prosecution of the work by a contractor, it may order and cause the suspension of the work at any time and relet the contract therefor, or order a reconstruction of any portion of the work improperly done, and where the work to be done shall call for an expenditure of less than five hundred dollars to complete the work, or the reconstruction necessary, the council may do it by the employment of day labor. ('17 c. 364 § 5)

**1912. Payments to contractor**—In case the contractor shall properly perform the work, the village council may, from time to time, before the completion of the work, in its discretion, pay to such contractor seventy-five (75) per cent of the amount already earned thereunder upon the estimate of the city engineer or other competent person selected by the village council. ('17 c. 364 § 6)

**1913. Spreading of assessment**—After a contract is let, or the work ordered done, if it will cost less than five hundred dollars, the city engineer or other person selected by the council may forthwith calculate the proper amount to be specially assessed for such improvement against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, in accordance with the provisions of section 2 of this act. The clerk or recorder may thereupon cause notice of the time and place when and where the village council will meet, to pass upon such proposed assessment, to be published in the official paper of the village at least one week prior to such meeting of the village council.

At such meeting the council shall hear and pass upon all objections thereto, if any, and may if it deems just, alter such proposed assessment, and upon the adoption by resolution of such assessment, the same shall constitute the special assessment. And such assessment, with the accruing interest thereon, shall be a lien upon the property included therein, concurrent with general taxes.

It shall then be the duty of the clerk or the recorder immediately thereafter, to transmit a certified duplicate of such assessment to the county auditor of the county, to be extended on the proper tax lists of the county and such assessment shall be collected and paid over in the same manner as other municipal taxes. Such assessments shall be payable in equal annual installments extending over a period not exceeding ten years, and the interest thereon shall not exceed the rate of six (6) per centum per annum.

Provided, that the owner of any property, so assessed, may at any time pay the whole of such assessment, or any annual installment thereof with interest, as to any lot, piece or parcel of land affected thereby. ('17 c. 364 § 7)

**1914. Omissions and errors**—In case of omission, errors, or mistakes, in making such assessment in respect of the total cost of such improvement, or otherwise, it shall be competent for the council to provide

for and make supplemental assessments to correct such omission, errors or mistake. ('17 c. 364 § 8)

**1915. Warrants to pay cost**—In anticipation of the collections of such special assessment, the village may issue warrants on such fund, to be known as "pavement warrants" payable at such times and in such amounts as the collection of such special assessments will provide for, which warrants shall bear interest at a rate not to exceed six (6) per cent per annum, payable annually, and may have coupons attached representing each year's interest. The warrant shall specify the particular fund against which it is drawn, and shall be signed by the mayor and countersigned by the clerk or recorder, and be in denominations of not less than fifty dollars, nor more than five hundred dollars. Such warrants may be sold by the village for not less than par. If any such warrants shall become due, or any interest shall become due on any such warrant, when there are no funds to pay the same, the village council is hereby authorized to effect a temporary loan for the payment thereof. The municipality may call in and pay any warrants not due on any interest paying date. ('17 c. 364 § 9)

**1916. Reassessment**—In all cases where any assessment or any part thereof, as to any lot, lots or parcels of land assessed under any of the provisions of this act, for any cause whatever, is set aside, the council may cause a reassessment or new assessment to defray the expenses of such improvement to be made. ('17 c. 364 § 10)

**1917. Objections**—The party desiring to object to the assessment, or his duly authorized agent or attorney, shall, on or before the date of hearing upon such assessment, file with the clerk or recorder a written statement of the objections, and all objections not specified therein shall be deemed waived. ('17 c. 364 § 11)

**1918. Appeal to the district court**—Within ten days after the adoption of the assessment, any person, aggrieved, who appeared and filed objections thereto, may appeal to the district court by serving a notice upon the president of the village council, or other chief executive officer of the village, which notice shall be filed with the clerk of the district court within ten days after service thereof. The clerk or recorder shall furnish appellant a certified copy of his objections filed therein, and the assessment roll or part complained of, and all papers necessary to present the appeal. The appeal shall be placed upon the calendar of the next general term commencing more than five days after the date of serving the notice and shall be tried as other appeals in such cases. If appellant does not prevail upon the appeal, the costs incurred, if not paid, shall be included in the special assessment. ('17 c. 364 § 12)

**1919. Tax for fire department relief fund**—The village or city council or other governing body of every village and city in this state that now or hereafter may have a population of less than 50,000 inhabitants, which has a regularly organized fire department, may, each year, at the time the tax levies are made for the support of the village or city, and in addition thereto, levy a tax of one-tenth of a mill on all the taxable property of such village or city. The tax so levied shall be transmitted to the auditor of the county in which the village or city is situated at the time all other tax levies are transmitted, and shall be collected and payment thereof enforced in like manner as state and county taxes are collected and the payment thereof enforced. The village or city treasurer, when the tax is received by him, shall pay the same over to the treasurer of the duly incorporated firemen's relief association of such village or city, if there is one organ-

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ized with the consent of the governing body of such municipality, together with all penalties and interest collected thereon; but if there is no firemen's relief association so organized in any such village or city, or if any such association resign, be dissolved or removed, or any successor of such association resign, be removed or has heretofore resigned or has been removed as trustee of such money, then the treasurer of such municipality shall keep the money in a special fund to be disbursed only for the purposes authorized by this act. Provided, that the village or city council of any village or city in this state which now has or hereafter may have a population of less than 50,000 inhabitants is hereby authorized and empowered, when in its discretion it deems it necessary or desirable so to do, to levy on the taxable property of such village or city an additional amount not to exceed nine-tenths of one mill; such additional tax to be collected and disbursed as herein provided. ('09 c. 197 § 1) [1832]

1920. Board of trustees of relief association—The board of trustees of every firemen's relief association of this state shall be composed of the following persons, to-wit: Four trustees elected annually by such firemen's relief from its own members and also the following ex officio members taken from the officers of the municipality in which the relief association is located, viz.: The mayor or president, the recorder or clerk, the treasurer and the chief of the fire department thereof, and any such board of trustees of a duly incorporated relief association shall have exclusive control and management of all funds received by its treasurer under the provisions of this act, and all moneys or property donated, given, granted or devised for the benefit of said funds, and the funds received under the provisions of this act shall be kept in a special fund on the books of the secretary and treasurer of said association and shall never be disbursed for any purpose whatever except the following, viz.: (1st) For the relief of sick, injured and disabled members of any fire department in such village or city; (2nd) for the payment of pensions to disabled firemen and the widows and orphans of firemen; (3rd) for the payment of pensions to retired firemen pursuant to the laws of the state. Provided, that the funds received by any relief association from dues, fines, initiation fees and entertainments shall be kept in a fund called the general fund, and may be disbursed for any purpose authorized by the articles of incorporation and by-laws of said association. Provided, further, that said relief association is hereby authorized and empowered to invest its funds in such income paying properties and securities as the council of the village or city in which such organization is located shall from time to time authorize. Provided, further, that none of the money raised by taxation as provided herein shall be paid to any firemen's relief association, or other trustee or officer, except the treasurer of the municipality wherein the same is levied, unless such firemen's relief association, or the treasurer thereof, or trustee authorized to receive the same, shall file a bond with the city clerk or village recorder, as the case may be, with sufficient sureties approved by the common council, or other governing body of such municipality, in double the amount received by virtue hereof, and shall from time to time, whenever required by such council or other governing body of such municipality, file a new or additional bond conditioned to safely keep all of said money and to disburse the same only for the purposes authorized by this act. ('09 c. 197 § 2) [1833]

1921. Public wagon scales in certain municipalities—That any city containing not to exceed ten thousand inhabitants, or any village or borough in this state, is hereby authorized and empowered to maintain a public

wagon scales therein as hereinafter provided. ('05 c. 286 § 1) [1834]

1922. Acquisition and maintenance—The common council of any such municipality is hereby authorized and empowered to buy, establish and maintain public wagon scales in such municipality, and said council is hereby authorized and empowered to hire, buy and maintain scales already in use in said municipality, the same to be used and maintained as a public wagon scale in such municipality for the public use therein. ('05 c. 286 § 2) [1835]

1923. Rules and regulations—Weighmaster—Duties—Charges—The common council of such municipality wherein such public scales are maintained shall have control of such scales and shall make such rules or regulations in regard to the maintenance and use of the same as they shall deem proper, and said council shall annually appoint a public weighmaster, whose duty it shall be to have charge of such scales and properly weigh all articles and commodities thereon as hereafter provided and give a statement in writing of the weight of such articles or commodities weighed thereon to the person applying to have such article weighed, and such statement shall be prima facie the correct weight of said articles or commodities, and the common council shall fix the compensation of said weighmaster, which compensation shall be paid out of the treasury of such municipality, and shall, from time to time, fix the price to be charged for weighing any article or commodity thereon, and the weighmaster shall collect such charge at the time of weighing such article or commodity, and he shall at the end of each month pay all moneys collected by him for such charge into the treasury of the municipality and file with the recorder of such municipality a statement of the amount of such money collected. ('05 c. 286 § 3) [1836]

1924. Scales to be tested, etc.—Who may use—Such scales shall be tested, stamped and sealed by the sealer of weights and measures, before being used, and as often thereafter as may be necessary. Any person either buying or selling any article or commodity by weight to be delivered in such municipality wherein such public scales are maintained may have the same weighed upon such public scales by paying the fee charged for weighing thereon. ('05 c. 286 § 4) [1837]

1925. Not to apply to certain cities—Provided that this act shall not apply to any city having a charter which provides for a city weighmaster. ('05 c. 286 § 5) [1838]

1926. Council may prohibit bucket shop—The common council of any municipal corporation in this state may by ordinance prohibit the keeping or causing to be kept within such municipality any bucket shop, office, store, or other place wherein is conducted or permitted the pretended buying or selling of the shares of stocks or bonds of any corporation, or petroleum, cotton, grain, provisions or other products, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, or wherein is conducted or permitted the pretended buying or selling of any such property on margins, or when the party buying any such property or offering to buy the same, does not intend actually to receive the same, if purchased, or to deliver the same if sold, and to punish any corporation or person, whether acting individually or as a member, or as an officer, agent or employe of any corporation, association or co-partnership, who shall keep, maintain or cause to be maintained any such bucket shop, office, store, within said corporate limits, by a fine not exceeding one hundred dollars, or imprisonment in the

county jail not exceeding ninety days. ('07 c. 174 § 1) [1839]

**1927. Submission to voters, etc.**—Electors residing within the corporate limits of any such municipality, equaling or exceeding in number ten per cent of the vote cast in such municipality at the last general election, may present to the common council or board of trustees thereof a petition signed by them and containing a proposed ordinance, as authorized in section 1 [1839] of this act, and it shall be the duty of said common council, or board of trustees, to receive the same and to submit said proposed ordinance to the electors of said municipal corporation at the first general or special election occurring more than fifteen days after the receipt by it of such petition. The clerk of such municipal corporation shall give ten days' notice of the submission of said proposed ordinance to the electors of said municipality, by publishing same in some newspaper published in said municipality, or if no newspaper is published therein, then in some newspaper published in the county seat of the county in which such municipality is situated, more than ten days prior to said election, and by posting same in three public places in said municipality at least ten days prior to said election. At said election said question shall be voted upon by ballot, which shall have printed thereon, "A proposed ordinance to prohibit the keeping of bucket shops. Yes. No." which vote shall be canvassed, returned and announced as other votes of such election. ('07 c. 174 § 2) [1840]

**1928. Adoption of ordinance**—If a majority of the vote cast at said election upon said proposed ordinance favor the adoption thereof, said ordinance shall thereupon be in full force and effect and binding upon every person within the corporate limits of said municipality. ('07 c. 174 § 3) [1841]

**1929. When offense is committed**—It shall not be necessary, in order to commit the offense defined in an ordinance adopted under the provisions of this act, that both the buyer and the seller shall agree to do any of the acts therein prohibited, but said crime shall be complete against any corporation, association, co-partnership or person thus pretending or offering to sell, or thus pretending or offering to buy, whether the offer to sell or buy is accepted or not. ('07 c. 174 § 4) [1842]

**1930. Lands deeded to state—Modification of conditions**—Any city or village in this state, that has heretofore or may hereafter deed to the state of Minnesota any lands to be used by said state for a public purpose in such deed stated, conditioned, among other things, that such lands shall be so used by the state for a period of time, which time exceeds twenty years, and in case such use is not made thereof for the stated time, then such land shall revert to such city or village, may at any time after fifteen years from the date of said deed by a majority vote of the city or village council at any regular meeting thereof, or at a properly called special meeting of such council, pass a resolution or enact an ordinance modifying the terms and

conditions above specified and permit the noncompliance by the state with such terms and conditions as originally made, either wholly or in part, and such resolution so adopted shall operate as a release of said state from such terms and conditions to the extent provided in such resolution and the action by said state in conformity with such resolution shall not in any way cause a reversion to such city or village of said lands or any part thereof or interest therein. ('11 c. 182 § 1) [1843]

**1931. Condemnation of property for fire damage**—In all villages, boroughs and cities of less than ten thousand inhabitants, where any property has been condemned or ordered removed, by virtue of damages by fire or other cause, the owner of such property may appeal to the district court of such county, from the decision of such board of aldermen or other officers condemning such property, within thirty (30) days after notice served of such decision; provided, however, this act shall not apply to buildings made of brick or stone. ('13 c. 178 § 1) [1844]

**1932. Notice of appeal, etc.—Trial**—Notice of such appeal shall be filed with the clerk of such village, borough or city. It shall be the duty of such clerk to file in the office of the clerk of said court, copies of the proceedings had in such matter, with the notice of appeal within ten days after the filing of such notice of appeal. The case shall thereupon be tried in said court in the same manner as if originally commenced therein and the court may order issues joined and pleadings filed. ('13 c. 178 § 2) [1845]

**1933. Municipal forests**—Any city, village or town in this state, by resolution of the governing body thereof, may accept donations of land that such governing body may deem to be better adapted for the production of timber and wood than for any other purpose, for a forest, and may manage the same on forestry principles. The donor of not less than one hundred acres of any such land shall be entitled to have the same perpetually bear his or her name. The governing body of any city, village or town in this state, when funds are available or have been levied therefor, may, when authorized by a majority vote by ballot of the voters voting at any general or special city or village election or town meeting where such question is properly submitted, purchase or obtain by condemnation proceedings, and preferably at the sources of streams, any tract of land for a forest which is better adapted for the production of timber and wood than for any other purpose, and which is conveniently located for the purpose, and manage the same on forestry principles; the selection of such lands and the plan of management thereof shall have the approval of the state forester. Such city, village or town is authorized to levy and collect an annual tax of not exceeding five mills on the dollar of its assessed real estate valuation, in addition to all other taxes authorized or permitted by law, to procure and maintain such forests. ('13 c. 211 § 1) [1846]