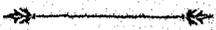


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THE
CHARTER
OF THE
City of Pipestone



Adopted April 1, 1913

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City Council

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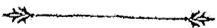
THE
CHARTER

OF THE

City of Pipestone



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CHARTER OF THE CITY OF PIPESTONE FRAMED AND
ADOPTED PURSUANT TO SECTION 36 OF ARTICLE 4,
OF THE CONSTITUTION OF THE STATE OF MINNE-
SOTA, AND SECTION 748 TO 758 INCLUSIVE, REVISED
LAWS 1905, AND THE ACTS SUPPLEMENTAL AND
AMENDATORY THEREOF.

CHAPTER I.

NAMES, POWERS AND BOUNDARIES.

Section 1. All that part of the County of Pipestone in the State of Minnesota, described in the next section, shall be a city and the people now inhabiting or who shall hereafter inhabit said territory shall form a municipal corporation under the name and style of "City of Pipestone," and by such name shall have perpetual succession; sue and be sued, complain and defend, plead and be impleaded in any court, or tribunal, make and use its common seal, and alter the same at pleasure; take, hold and purchase, lease and convey any and all such real, personal or mixed property as its purposes may require, whether the same be within or without the corporate limits of the city; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, as well as all the powers herein granted.

CITY BOUNDARIES.

Sec. 2. All the territory and land in the County of Pipestone, in the State of Minnesota, described as follows to-wit: Lots One (1), Ten, (10), Nine, (9), and Eight, (8), of Section Two, (2), Township One Hundred and Six, (106) North of Range Forty-six, (46) West of the 5th, P. M., also the following described piece or parcel of land, to-wit: Beginning at the southeast corner of Lot Five, (5) in said Section Two, (2), running thence west along the quarter line twenty-five rods, thence north sixty-four rods, thence east twenty-five rods, thence in a southern direction along the west line of said lot Ten, (10), in said section Two, (2), sixty-four rods to the point of beginning. Said property being used for Cemetery purposes; five acres of land out of the northwest corner of lot six, (6), in Section Two, (2), in Township One Hundred and Six, (106), North of Range Forty-Six, (46), West 5th, P. M. heretofore deeded to the church of St. Leo for cemetery purposes. Section One, (1), in Township One Hundred and Six, (106), North of Range Forty-six, (46), West of 5th, P. M. excepting Lots Seven, (7), and Nine, (9), of said Section One, (1), excepting and reserving however therefrom the following described tracts or parcels of land which shall remain within the said city boundaries, to-wit: A strip one rod wide off the north end of said Lot Seven, (7), heretofore conveyed for a highway. Also beginning at a point on the west line of said Lot Nine, (9), Twenty, (20) rods north of the south line of said Lot Nine, (9), thence at right angles with said west line east Sixteen (16), rods, thence south and parallel with the said west line Twenty, (20), rods to the south line of said Lot Nine, (9), thence westerly on the south line of said lot Sixteen, (16), rods, thence north Twenty, (20), rods to place of

beginning: also commencing at the southeast corner of the so-called Indian reservation in said Section One, (1), thence running west along the south line of said reservation about Twenty-two (22) rods to the west end of Lot Nine, (9), thence south about Twelve (12) rods, thence east Twenty-two (22) rods to the point on a direct line with the east line of said reservation, thence north Twelve (12) rods to the place of beginning: Also commencing at the northwest corner of said Lot Seven, (7), thence running east Nine and Six-Thirteenth, (9 and 6-13) rods, thence south Twenty-six (26) rods, thence west Nine and Six-Thirteenth (9 and 6-13) rods thence north Twenty-six (26) rods to the place of beginning; also commencing at the southeast corner of said Lot Nine, (9), thence running north on Section line Twenty (20) rods, thence west parallel with the south line of said lot nine (9) Thirty-two (32) rods, thence south Twenty (20) rods, thence east on the south line of said Lot Nine (9), Thirty-two (32) rods to the point of beginning. The east half of Section Eleven (11) in Township One Hundred and Six, (106) north of Range Forty-six, (46) West of the 5th, P. M. Section Twelve, (12) and the west half of Section Thirteen, (13), in Township One Hundred and Six, (106), north of Range Forty-six, (46), west of the 5th P. M. The piece or parcel of land described as follows to-wit: Beginning at the southeast corner of the northeast quarter of Section Fourteen, (14), in Township One Hundred and Six, (106), north of Range Forty-six, (46), west of the 5th, P. M., thence running westward on the south line of said quarter section Eighty (80) rods, thence running north Thirty-Two (32) rods, thence east Eighty (80) rods, thence south Thirty-Two (32) rods to the place of beginning. The piece or parcel of land described as follows to-wit: All that part of the northeast quarter of Section Thirteen, (13) in Township One Hundred and Six, (106) north of Range Forty-six, (46), west of the 5th, P. M. lying west of the right of way of the Willmar and Sioux Falls Railway Company, as located through and across said land above described. The west half of Section Seven, (7), in Township One Hundred and Six, (106), north of Range Forty-five, (45), west of 5th, P. M. excepting therefrom that part of the northwest quarter of said Section Seven, (7), lying between the Willmar and Sioux Falls Railway company right of way and the Chicago, St. Paul, Minneapolis and Omaha Railway Company right of way, and also excepting therefrom all of that part of the west half of said Section Seven, (7), lying and being south of the right of way of the Chicago, St. Paul, Minneapolis and Omaha Railway Company and east of the right of way of the Chicago, Rock Island and Pacific Railway Company, formerly the B. C. R. & N. Railway Company, excepting therefrom the railway right of way and excepting also that part lying west of the right of way of the Chicago, Milwaukee and St. Paul Railway company and east of the right of way of the Chicago, Rock Island and Pacific Railway company and north of the eastern extension of the north line of Bailey street and south of an eastern extension of the center line of Catlin street of said City of Pipestone, which shall remain within the said city boundaries. The southeast quarter of Section Six, (6) in Township One Hundred and Six, (106) north of Range Forty-five, (45) west of the 5th P. M. also all that part of the

northeast quarter of Section Eighteen, (18), Township One Hundred and Six, (106), north of Range Forty-five, (45), west of the 5th, P. M. lying north of the right of way of the Chicago, Milwaukee and St. Paul Railway Company, shall form a Municipal Corporation in the next preceding section mentioned.

WARD BOUNDARIES.

FIRST WARD.

Section 3. All that portion of the city lying west of Hiawatha street, extending north and south, shall constitute the first ward, and election precinct.

SECOND WARD.

All that portion of the city lying east of Hiawatha street, extending north and south, shall constitute the second ward, and election precinct.

CHAPTER II.

ELECTIVE OFFICERS AND GENERAL PROVISIONS.

OFFICERS TO BE ELECTED.

Section 4. Elective officers of the city shall be a mayor and four councilmen, and two Justices of the Peace.

OFFICIAL YEAR TERM.

Section 5. The official year for the City of Pipestone, shall begin on the second Tuesday in April, and the term of office of the Mayor shall be one year and at the first election two Councilmen shall be elected for the term of one year and two Councilmen shall be elected for the term of two years and thereafter each Councilman shall be elected for the term of two years and until their successors shall be elected and have qualified. The Justices of the Peace shall be elected for a term of two years and until their successors shall be elected and have qualified.

MUNICIPAL JUDGE—ELECTION TERM.

Section 6. There shall be elected at the general Municipal election a judge and special judge of the Municipal Court of said City. The term of office of the judge and special judge shall be four years from and after the second Tuesday in April, next succeeding their election and until their successors shall have been elected and qualified.

OFFICERS—HOW ELECTED.

Section 7. The Mayor, four Councilmen, Judge and Special Judge of Municipal Court and two Justices of the Peace shall be elected at large from the electors of the city.

ONLY ELECTORS TO HOLD OFFICE.

Section 8. All persons who are elected to any office under this charter shall be qualified electors of the City of Pipestone.

TRANSFER OF BOOKS AT EXPIRATION OF TERM OF OFFICE.

Section 9. Every elective and appointed officer shall at the expiration of his term of office, in whatsoever way terminated, turn over to his successor in office, or to some other properly authorized officer, on demand, all the books, papers, files, records, moneys, and other property and things whatsoever pertaining to his office or received by reason thereof.

FAILURE OF PERSONS ELECTED OR APPOINTED TO QUALIFY.

Section 10. Any elective or appointive officer who shall refuse or neglect to enter upon the discharge of the duties of his office for ten days after the beginning of the term for which he was elected or appointed, and for ten days after being notified by the City Clerk of his election or appointment, shall be deemed to have vacated such office.

VACANCY.

Section 11. If any vacancy occurs in the office of Mayor, any of the Councilmen, or in the office of the Justice of the Peace, by failure to elect, or by any cause whatsoever, the Council or the remaining members thereof shall appoint a person to fill the vacancy during the remainder of the unexpired term.

OATH OF OFFICE.

Section 12. Every person elected or appointed to any office shall, before he enters upon the duties of his office take and subscribe to an oath of office, and file the same with the City Clerk, except the oath of the City Clerk, which shall be filed in the office of the City Treasurer, and except the oath of the Municipal Judge and Special Municipal Judge which shall be filed with the Secretary of State.

OFFICIAL BONDS.

Section 13. The Treasurer, each Justice of the Peace, Municipal Judge and Special Judge of the Municipal Court of said City, before entering upon the duties of their respective office, shall each give bond to the city, each Justice in the sum of Five Hundred Dollars, the Judge and Special Judge of the Municipal Court, each in the sum of One Thousand Dollars, and the Treasurer in such a sum as shall be fixed by the Council, conditioned for the faithful performance of their respective official duties. Such bonds shall be approved by the City Council. The Council shall fix the amount of the bond to be required of appointive officers and the methods of their approval. The approval of said bonds must be endorsed thereon and signed by the Mayor when approved by said Council. All bonds when approved, excepting Judge and Special Municipal Judge, which shall be filed with the Secretary of State, shall be filed with the City Clerk, except the bonds of the City Clerk, which shall be filed in the office of the City Treasurer. The provisions of the laws of the state, relating to official bonds, not inconsistent with this charter, shall be complied with.

SALARIES.

Section 14. The Mayor shall receive an annual salary of One Hundred Dollars, payable in quarterly installments. Each Councilman shall receive an annual salary of Fifty Dollars payable in quarterly installments. The fees of the Justices of the Peace and the Municipal Judge and Special Municipal Judge shall be the same as fixed by the General Laws of the state.

ADMINISTERING OATHS. SUBPOENAS.

Section 15. Every elective officer, every chief official and every member of any board or commission provided for in this Charter shall

have the power to administer oaths and affirmations, and every such officer, or member of board or commission shall have power to issue subpoenas, to compel by subpoena the production of books, papers and documents, and to take and hear testimony concerning any matter or thing pending before such officer, board or commission. If any person so subpoenaed neglects or refuses to appear, or to produce books, papers or documents required by such subpoena, or shall refuse to testify before such officer, board or commission or to answer any questions which such officer, board or commission shall decide to be proper or pertinent, he shall be deemed in contempt and any such officer, board or commission shall thereupon have power to take such proceedings in the premises as are provided by the general laws of this State. The Chief of Police must, on request of such officer, or any members of such board or commission, serve or detail a police officer or officers to serve such subpoenas.

CHAPTER III.

ELECTIONS, GENERAL AND SPECIAL.

GENERAL ELECTIONS—WHEN HELD.

Section 16. The first general city election shall be held on the first Tuesday in April, 1914, and on the first Tuesday in April in each year thereafter.

SPECIAL ELECTIONS.

Section 17. Whenever necessary, the Council may by resolution, or shall on presentation of a petition signed by at least twenty per cent of the number of votes of said city cast for the Mayor thereof, as shown by the returns of the election last held therein, adopted by the affirmative of a majority of its members, order a special election of the voters of the city for any purpose, and appoint judges of election, designate polling places, and provide all necessary arrangements for holding the same.

NOTICE OF ELECTION.

Section 18. The City Clerk, at least fifteen days before the holding of any general election, and twenty days before the holding of any special election, shall give public notice of the time and place of holding such election, and the hours during which the polls will be open, by posting at each of the polling places in said city, a notice containing a list of the officers to be elected, or the substance of the matter to be submitted at such election or both; providing that no failure of the Clerk to give such notice shall invalidate an election.

CANDIDATES AT PRIMARY ELECTION.

Section 19. All candidates to be voted for at all general and special municipal elections in the city, shall be nominated by a primary election, and no other names shall be placed upon the general ballot than those selected in the manner hereinafter prescribed. The primary election for such nomination shall be held on the second Monday preceding the general municipal election. The judges of election appointed for the general election shall be the judges of the primary election, and it shall be held at the same places, so far as possible, and the polls shall be opened and closed at the same hours, with the same clerks as are required for the general municipal election. Any per-

THE PRECEDING
DOCUMENT HAS
BEEN REFILMED
TO ENSURE
LEGIBILITY

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son desiring to become a candidate shall, at least ten days prior to said primary election, file with the City Clerk a statement of such candidacy in substantially the following form:

STATE OF MINNESOTA, County of Pipestone.—ss.

I, (.....) being first duly sworn, say that I reside in the City of Pipestone, County of Pipestone, State of Minnesota; that I am a qualified voter therein; that I am a candidate for nomination to the office of (Name of office) to be voted upon at the primary election to be held on the.....Monday of.....19....., and I hereby request that my name be printed upon the official primary ballot for the nomination by such primary election for said office.

(Signed).....

Subscribed and sworn to before me this.....day of 19.....

(Signed).....

Official Title.

and shall at the same time file therewith a petition of at least fifteen qualified voters requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications and residence, of each of the persons signing the petition and said petition shall be in substantially the following form:

The undersigned, duly qualified electors of the City of Pipestone, do hereby request that the name of (name of candidate) be placed on the ballot as a candidate for nomination for (name of office) at the primary election to be held in the said city on theMonday of19..... We further state that we know him to be a qualified elector of said city, and a man of good moral character and qualified in our judgment for the duties of said office.

NAMES OF QUALIFIED ELECTORS.

No filing fee shall be required of candidates at any election held under this Charter.

Immediately upon the expiration of the time for filing the statements of and petitions for candidates, the City Clerk shall cause to be published in the official newspaper of the city, in proper form the names of the persons as they are to appear upon the primary ballot and the City Clerk shall thereupon cause the primary ballot to be printed, authenticated with the Fac-simile of his signature.

PRIMARY BALLOT, HOW ARRANGED.

Section 20. Upon said primary ballot the names of the candidates for Mayor, arranged alphabetically shall first be placed with a square at the right of each name, and at the right of the square the words "Vote for One." Following these names likewise arranged shall appear the names of the candidates for Councilmen, with a square at the right of each name, and at the right of the square the words, at the first election held under this charter, "Vote for two for one year, and two for two years," and each election held thereafter the words, "Vote for two," and following these names likewise arranged, shall appear the names of the candidates for Municipal Judge with a square at the right of each name, and at the right of the square the words, "Vote for one," the candidates for Special Municipal judge, with a

square at the right of each name, and at the right of the square the words, "Vote for one," and the names of the candidates for Justices of the Peace, with a square at the right of each name, and at the right of the square the words, "Vote for two." The ballot shall be printed upon plain, substantial white paper, and shall be headed: "Candidates for the nomination of City Officers, of the City of Pipestone, at the primary election," but shall have no party designation or mark whatever.

JUDGES AND CLERKS OF ELECTION.

Section 21. The Council shall at least twenty days before each municipal election appoint three qualified voters of each election district therein to be judges of election. The judges so appointed shall also be the judges of the primary election. The judges of each election district shall appoint two qualified electors of the same district as clerks of election.

JUDGES COUNT BALLOTS AND MAKE RETURN TO CITY CLERK.

Section 22. The judges of election shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each district for each of the candidates and make return thereof to the City Clerk, upon blanks furnished by said Clerk, within six hours of the closing of the polls.

COUNCIL CANVASS RETURNS AND PUBLISH RESULTS.

Section 23. On the day following the said primary election the Council shall canvass the returns received from all the election districts and publish in the official newspaper of the city the results thereof.

Said canvass shall be publicly made.

NAMES ON GENERAL MUNICIPAL BALLOT. FORM.

Section 24. The two candidates receiving the highest number of votes for the offices of Mayor, Municipal Judge and Special Municipal Judge, or the one candidate for any of the respective offices if but one candidate has filed, and at the first election held under this charter the four candidates receiving the highest number of votes for Councilmen for one year and the four candidates receiving the highest number of votes for Councilmen for two years, and thereafter the four candidates receiving the highest number of votes for Councilmen, or all candidates if less than four have filed for each term and the four candidates receiving the highest number of votes for Justice of the Peace, or all such candidates if less than four have filed, shall be the candidates, and the only candidates for the respective offices whose names shall be placed upon the ballot at such general or special Municipal election.

The ballot at the general municipal election shall be in the same general form as for the primary election so far as applicable.

Spaces shall be left below the printed names of candidates for any office equal in number to the number to be voted for, wherein the voter may write the names of persons for whom he may wish to vote.

CANVASSING VOTES.

Section 25. The Council shall meet and canvass the election returns within three days after any general or special election and then

and there declare the result. The City Clerk shall forthwith notify all officers elected of the fact of their election.

ELECTIONS, REGULATION OF.

Section 26. When two or more persons shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the Council at such time, place and in such manner as it may direct.

INFORMALITIES IN ELECTION.

Section 27. No informalities in conducting municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity to the requirements of this Chapter.

GENERAL ELECTION REGULATIONS.

Section 28. The provisions of the state law relating to the qualifications of elections, preparing the ballots, the manner of voting, the duties of election officers, and in all other particulars in respect to the management of elections, so far as they may be applicable and not inconsistent with the provisions of this Chapter, shall govern all such elections.

CHAPTER IV.

RECALL OF ELECTIVE OFFICERS.

RECALL. METHOD PRESCRIBED.

Section 29. The holder of any elective office may be removed at any time by the electors qualified to vote for a successor of such incumbent in the following manner. A petition signed by such electors, equal in number to at least thirty-five per centum of the entire vote cast for all candidates for the office of Mayor at the last preceding general municipal election, demanding an election of a successor of the person sought to be removed, shall be filed with the City Clerk, which petition shall contain a general statement of the grounds on which the removal is sought. The signatures to the petition need not all be appended to one paper, but each signer shall state his place of residence. One of the signers of each such paper shall make an oath that the statements therein made are true as he believes, and that each signature to the paper appended is the genuine signature of the person whose signature it purports to be. Within ten days after date of filing such petition, the City Clerk shall ascertain from the voters register whether or not said petition is signed by the requisite number of qualified electors, and, if necessary, the Council shall allow him extra help for that purpose; and he shall attach to said petition his certificate showing the result of said examination. If, by the City Clerk's certificate, the petition is shown to be insufficient, it may be amended within ten days from the date thereof. The City Clerk, shall, within ten days after such amendment, make like examination of the amended petition, and if his certificate shall show the same to be insufficient it shall be returned to the person filing the same; without prejudice however, to the filing of a new petition to the same effect; if the petition is deemed sufficient, the City Clerk shall submit the same to the Council without delay, and thereupon the Council shall order the same filed. If the officer sought to be removed does not resign within five days after the filing of said petition, the Council shall fix a date for holding said election not less than thirty-five days, nor more than

forty-five days from the date of the City Clerk's certificate that a sufficient petition is filed.

CAUSE OF RECALL. OFFICERS JUSTIFICATION.

Section 30. In the call for the election there shall be stated in not more than two hundred words, the reason for demanding the recall of the officer, as set forth in the recall petition, and in said call, in not more than two hundred words, the officer may justify his course in office.

CANDIDATES ELECTION.

Section 31. The City Clerk shall give public notice of the time and place of holding such election, and the same shall be conducted, except as hereinafter provided, returns be made, and the results thereof declared, in all respects as in other city elections. The successor of any officer so removed shall hold office during the unexpired term of his predecessor. Any person sought to be removed may be a candidate to succeed himself, and unless he requests otherwise in writing, the City Clerk shall place his name on the official ballot without nomination. At such election, if such other person than the incumbent receives the highest number of votes, the incumbent shall thereupon be deemed removed from the office, upon qualification of his successor, but if incumbent received the highest number of votes, he shall continue in office.

NO RECALL PETITION FOR FIRST THREE MONTHS.

Section 32. No recall petition shall be filed against any officer until he has actually held his office for at least three months.

CANDIDATES—NOMINATION AND ELECTION.

Section 33. The nomination of other candidates and the election shall be in accordance with the provisions of Chapter III, provided however, the person receiving the highest number of votes at such primary election shall be placed on the ballot at such election as a candidate for such office.

CHAPTER V.

THE CHIEF EXECUTIVE.

Section 34. The Mayor shall be the chief magistrate and executive officer of the city. He shall see that the laws of the state, the provisions of this charter, and the ordinances of the city are duly observed and enforced within the City; he shall be charged with the general oversight of the several departments of the Municipal Government and shall see that all contracts made with the City are faithfully performed.

MAYOR PRO TEMPORE.

Section 35. During the temporary absence or disability of the Mayor, the Vice President of the Council shall act as Mayor pro tempore. In case of the temporary absence or disability of both, the Mayor and Vice President, the Council shall elect one of its members to be Mayor, pro tempore. In case of vacancy in the office of Mayor, the Vice President of the Council shall act as Mayor until such vacancy can be filled, as provided in this charter.

MAYOR'S REPORTS.

Section 36. The Mayor shall annually and from time to time give the Council such information relative to the affairs of the city and recommend to its consideration such matters as he may deem expedient.

MAYOR TO HAVE CITY'S BOOKS EXAMINED.

Section 37. The Mayor shall employ at the beginning of each fiscal year, a competent accountant, who shall examine, at least once each year, the books, records and reports of all officers and employees, who receive or disburse city moneys, and the books, records and reports of such officers and departments as the Mayor may direct and make duplicate reports thereof, and present one to the Mayor and file one with the City Clerk. Such accountant shall have unlimited privileges of investigation, to examine under oath or otherwise all officers, clerks and employees of the city who shall give all required assistance and information, and submit for examination such books and papers as may be required and requested, and failure to do so, shall be deemed to be a forfeiture and abandonment of his office. The Council shall provide for the payment of such accountant.

SUPERVISION OF PUBLIC UTILITY COMPANIES.

Section 38. The Mayor shall be charged with the general supervision of all public utility companies so far as they are subject to municipal control; he shall keep himself informed as to their compliance in all respects with the law, and shall see that all franchises granted by the city are faithfully observed, and may employ expert assistance therefor.

The Mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violation of law, and to revoke, cancel, or annul all franchises granted by the city to any person, firm or corporation which have become forfeitable in whole or in part, or which, for any reason, are illegal and void. The City Attorney on demand of the Mayor, must institute and prosecute the necessary actions to enforce the provisions of this section.

MEMBER OF COUNCIL.

Section 39. The Mayor shall be a member of the council, and have a right to vote upon all propositions, matters and questions coming before it, but shall have no veto power.

POWERS AND DUTIES PRESCRIBED BY ORDINANCE.

Section 40. The Mayor shall exercise other powers and perform such other duties as may be prescribed by law and ordinance.

CHAPTER VI.**ADMINISTRATIVE DEPARTMENTS.****THE FIVE MUNICIPAL DEPARTMENTS.**

Section 41. The administrative powers, authority and duties of the city officers, not otherwise provided for, shall be distributed among and assigned to five departments as follows:

1. Department of public health, sanitation, police and general welfare.
2. Department of accounts and finances.
3. Department of parks, public grounds, buildings and fire protection.
4. Department of water works, and sewers.
5. Department of streets and alleys.

COUNCIL TO ASSIGN DUTIES TO THE DEPARTMENTS.

Section 42. The Council shall determine and assign the duties of

the several departments, subject to the provisions of the last preceding and next following sections; shall prescribe the powers and duties of officers and employees, may assign particular officers and employees to one or more departments; may require an officer or employee to perform duties in two or more departments, and may make such other rules and regulations as may be necessary or proper for the efficient and economical conduct of the business of the city.

THE MAYOR AND FOUR COUNCILMEN.

Section 43. The Mayor shall be superintendent of the department of public health, sanitation, police and general welfare, and the council, shall, at the first regular meeting after the election of its members, designate by majority vote one Councilman to be superintendent of accounts and finances; one to be superintendent of the department of parks, public grounds, buildings and fire protection; one to be superintendent of the department of water works and sewers; and one to be superintendent of the department of streets and alleys; but such designation may be changed whenever it appears that the public service would be benefited thereby. Provided, no superintendent of any of the departments of the city shall have any power to contract debts, to bind the city or make any improvements in said City, unless authorized by a majority of the Council.

THE CHIEF OFFICIALS.

Section 44. The chief officials of the city shall be a City Clerk, Treasurer, Assessor, City Attorney, City Engineer, Chief of Police, Chief of the Fire Department and Health Commissioner. They shall be appointed and may be removed by a majority vote of the Council. The Council, at any time when in its judgment the interests of the city so demand, may place in charge of one such officer the functions and duties of two or more such officers. The Council shall, by ordinance, prescribe the duties of the chief officials. The council shall, at the first regular meeting after the election of its members, or as soon thereafter as practicable, proceed to the appointment of the chief officials of the city, and the determination of their duties as provided in this section.

SUBORDINATE OFFICERS AND EMPLOYEES.

Section 45. The Council shall have power by ordinance to create and discontinue offices, and employments other than those prescribed, to provide the modes of filling them and prescribe the duties pertaining thereto according to its judgment of the needs of the city. Any person so appointed may be removed at any time by a majority vote of the Council.

COMPENSATION OF OFFICERS AND EMPLOYEES.

Section 46. The compensation of all city officers, provided for by Section 44, shall be by salary, to be fixed by the Council. The Council shall also fix the compensation of all other officers and employees of the city, except as otherwise provided in this Charter. No officer or employee shall be allowed any fees, rewards or compensation, other than the salary or compensation fixed by the Council, but all fees received by him in connection with his official duties shall be paid into the city treasury.

REPORT OF DEPARTMENTS.

Section 47. The superintendent of each department shall annually render to the Council a full report of all the operations of his department for the year. Provided, however, the Council may require each department to render to the Council a full report of all the operations of his department at any time.

REPORTS TO BE PUBLISHED.

Section 48. The Council shall provide for the publication of the annual report of the Mayor and of the superintendents of the several departments.

MAYOR AND COUNCILMEN TO HOLD NO OTHER OFFICE.

Section 49. No member of the Council shall hold any other Municipal office or employment, the compensation of which is paid out of the Municipal moneys; or be elected or appointed to any office created or the compensation of which, is increased by the Council while he was a member thereof, until one year after the expiration of the term for which he was elected.

OFFICERS NOT TO BE INTERESTED IN CONTRACTS OR FRANCHISES.

Section 50. No officer or employee shall be directly or indirectly interested in any contract, work or business of the city, or in the sale of any article, the price or consideration for which is paid from the treasury or by assessment levied by an act or ordinance; nor in the purchase or lease of any real estate or other property belonging to the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. No officer shall be connected with or in the employ of any public service corporation in the city, or of any person having any contract with the city, or of any grantee of a franchise granted by the city.

Any contract or agreement made in contravention of this section shall be void.

Any violation of the provisions of this section shall be deemed a misdemeanor. The Council shall enforce the provisions of this section by appropriate legislation.

POLITICAL RELIGIOUS TEST.

Section 51. No appointment to positions under the city government shall be made or be withheld by reason of religious or political opinions or affiliations or political services, and no appointment to or selection for, or removal from any office or employment and no transfer, promotion, reduction, reward or punishment shall be in any manner affected by such opinion, affiliations or services.

CHAPTER VII.**COUNCIL.****THE COUNCIL THE GOVERNING BODY.**

Section 52. The Council shall be the governing body of the Municipality. It shall exercise the corporate power of the city, and subject to the limitations of this Charter, shall be vested with all powers of legislation in Municipal affairs, adequate to a complete system of local government, consistent with the constitution of the State.

PRESIDENT AND VICE PRESIDENT.

Section 53. The Mayor shall be President of the Council and shall preside at its meetings. The Council shall elect one of the members to be Vice President.

MEETINGS OF COUNCIL.

Section 54. The Council shall provide for the time and place of holding its meetings and the manner in which its special meetings may be called.

MEETINGS TO BE PUBLIC.

Section 55. All legislative sessions of the Council, whether regular or special, shall be open to the public.

QUORUM.

Section 56. A majority of the members of the Council shall constitute a quorum for the transaction of business.

RULES OF PROCEEDINGS.

Section 57. The Council shall establish rules for its proceedings.

ORDINANCES AND RESOLUTIONS. AYES AND NOES.

Section 58. (1) The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal of the proceedings of the Council.

MAJORITY VOTE OF COUNCIL.

(2) No ordinance or resolution shall be passed without receiving the affirmative votes of at least three members of the Council.

SUBJECT AND TITLE.

(3) Every ordinance or resolution, except an ordinance making appropriations, shall be confined to one subject which shall be clearly stated in the title, and every ordinance making appropriations shall be confined to the subject of appropriations. If any subject shall be embraced in an ordinance which shall not be expressed in its title, such ordinance shall be void only as to so much thereof as shall not be expressed in its title.

ENACTING CLAUSE OF ORDINANCES.

(4) The enacting clause of all ordinances passed by the Council shall be in these words: "The Council of the City of Pipestone, do ordain as follows:"

REQUIREMENTS OF AN ORDINANCE.

(5) To constitute an ordinance a bill must receive two readings previous to its passage, but shall not be read at any other than regular sessions, nor twice at the same session. The second reading shall be by sections, at which time amendments may be offered, but the reading of a section shall not preclude the offering of an amendment to a preceding one.

RE-CONSIDERATION.

(6) When any bill is put upon its final passage and fails to pass, and a motion is made to reconsider, the vote upon such motion shall not be taken except at a meeting of the Council held not less than one week after the meeting at which such motion was made.

SIGNING AND ATTESTING.

(7) All resolutions and ordinances shall be signed by the Mayor,

attested by the City Clerk, and published in the official paper of the city.

REVISIONS AND AMENDMENTS.

(8) No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised, amended or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(9) No ordinance or section thereof shall be repealed except by ordinance adopted in the manner provided in this section.

ORDINANCE GRANTING FRANCHISE.

(10) No bill for the granting of any franchise shall be put upon its final passage within Thirty days after its introduction.

RECORD OF CITY ORDINANCE.

(11) All ordinances shall be recorded and certified to by the City Clerk in a book marked "City Ordinances", such record copy, with such certificate, or the original ordinance shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceedings. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

PROTECTION OF ABSENT COUNCILMEN.

Section 59. No final action shall be taken in any matter concerning the department of any absent Councilman unless such business has been made a special order of the day, by action at a previous meeting, or unless such action is taken at a regular meeting of the Council.

MUNICIPAL COURT TO TAKE JUDICIAL NOTICE.

Section 60. In all prosecutions and proceedings of every kind before the Municipal Court of this city, such Court shall take judicial notice of all ordinances of the city, and it shall not be necessary to plead or prove such ordinances in such Court.

FRANCHISES GRANTED BY ORDINANCE.

Section 61. No franchise or right to occupy or use the streets, highways or public places in the city, shall be granted, except by ordinance, save temporary use of the parks for picnics, public meetings, etc.

MEMBERS PRESENT WHO FAIL TO VOTE.

Section 62. Any member of the Council, who being present when his name is called, fails to vote upon any then pending proposition, unless excused by the Council, shall be counted as having voted in the negative.

MAYOR TO SIGN JOURNAL.

Section 63. It is hereby made the duty of the Mayor to sign the City Clerk's record of the proceedings of each meeting of the Council when said record has been approved and is presented to the Mayor for his signature.

MONTHLY STATEMENT OF RECEIPTS AND EXPENDITURES.

Section 64. The City Clerk shall prepare and file in his office,

for public inspection, an itemized statement of all receipts and expenditures of the city during the preceding month.

PUBLICATION OF MEETINGS AND RESOLUTIONS.

Section 65. All proceedings of the special and regular meetings of the Council shall be published in the official paper of the city and in publication of resolutions that may be included in the publication of the proceedings of the Council, such resolutions shall be printed with the dates of their approval without appending the signature to such resolutions.

PUBLICATION OF CHARTER AND ORDINANCES ETC.

Section 66. The Council, during the first year of its organization under this Charter and from time to time thereafter, shall cause all ordinances in force to be classified under appropriate heads, and, together with, or separately from this Charter, and such provisions of the Constitution and Laws of the State as the Council may deem expedient to be published in book form. It shall be the duty of the first commissioner assigned to the position of Superintendent of Finances and Accounts under this Charter, to install as soon as practicable, a complete and thorough system of bookkeeping which shall be suitable to the needs of the City, with a proper system of checks between the various officers and such reports as may be advisable, in order to insure a thorough knowledge of the business of the city by the Mayor, Commissioners, and Chief Officials.

CHAPTER VIII.

POWERS OF THE CITY AND OF THE COUNCIL.

GENERAL POWERS OF THE CITY.

Section 67. Without denial or disparagement of other powers held under the Constitution and Laws of the State, the City of Pipestone shall have the right and power:

PUBLIC BUILDINGS, WORKS AND INSTITUTIONS.

(1) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate libraries, reading rooms, art galleries, museums, parks, play grounds, places of recreation, fountains, baths, public toilets, rest rooms, markets, hospitals, charitable institutions, jails, work houses, morgues, cemeteries, garbage collection, disposal and reduction works, street cleaning and sprinkling plants, and all other public buildings, places, works and institutions necessary for the good of the city.

(2) To acquire by purchase, condemnation or otherwise, and to establish, maintain, equip, own and operate water works, gas works, electric light, heat and power works within or without the city, and to supply the city and sell to its inhabitants and also persons, firms or corporations outside the city, water, gas, electricity, and all products of any public utility operated by the city.

TELEPHONE, TELEGRAPH AND TRANSPORTATION.

(3) To acquire by purchase, condemnation or otherwise and to establish, maintain, equip, own and operate telephone and telegraph systems, electric or other railways or transportation service of any kind.

LAND FOR PUBLIC PURPOSES.

(4) To acquire by purchase, condemnation or otherwise, within

or without the city, such lands or other property as may be necessary for the establishment, maintenance and operation of any public utility, or to provide for and effectuate any other public purpose, and to sell, convey, encumber, and dispose of the same for the benefit of the city.

LEASE OF PUBLIC UTILITIES.

(5) To lease, for the purpose of maintenance and operation any public utility owned by the city.

BEQUESTS AND DONATIONS.

(6) To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for charitable and other purposes, and to do all acts necessary to carry out the provision of such bequests, gifts and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the bequest, gift or trust, or absolutely in case such bequest, gift or trust, be unconditional.

BORROWING MONEY, BONDS.

(7) To borrow money for any of the purposes for which the city is authorized to provide, and for carrying out any of the powers which the city is authorized to enjoy and exercise, and to issue bonds therefore.

DIRECT LEGISLATION BY THE PEOPLE.

Section 68. The qualified voters of the city shall have power through the initiative and otherwise as provided by this Charter, to enact appropriate legislation, to carry out and enforce any of the above general powers of the city, or any of the specified powers of the Council.

POWERS OF THE COUNCIL ENUMERATED.

Section 69. As the legislative organ of the city, the Council, subject to the provisions and restrictions of this Charter, shall have the power:

OFFICIAL SEAL.

(1) To provide a corporate seal with appropriate devise, to be affixed to all instruments or writings needing authentication.

VIOLATION OF CHARTER AND ORDINANCES.

(2) To prescribe fines, forfeitures, penalties and punishment for the violation or breach of any provision of this Charter or of any ordinance, by-law, or regulation of the city, not exceeding a fine of One Hundred Dollars and costs of prosecution, or imprisonment in the city prison or the County Jail of Pipestone County, for a term not exceeding ninety days.

NUISANCES.

(3) To provide for the summary abatement of any nuisance at the expense of the person creating, causing, committing or maintaining such nuisance.

REWARDS.

(4) To offer rewards not exceeding two hundred dollars in any one instance, for the apprehension and conviction of any person who may have committed a felony in the city, and to authorize the payment thereof.

POLICE AND FIRE DEPARTMENTS.

(5) To organize and maintain police and fire departments, erect the necessary buildings and own all implements and apparatus required therefor.

POLICE AND FIRE ALARM SYSTEM.

(6) To establish and maintain a fire alarm, police, telegraph or telephone system, and manage and control the same, and to appoint a Superintendent thereof.

EXPLOSIVES.

(7) To regulate or prohibit the manufacture, keeping, storage, and use of powder, dynamite, gun cotton, nitroglycerine, fire works, and other explosive materials and substances.

INFLAMMABLE MATERIALS.

(8) To regulate the storage of hay, straw, oil and other inflammable and combustible materials.

RUBBISH, ETC.

(9) To compel the owner of vacant property within the city to keep the same clear of brush, weeds, or other material liable to communicate fire to adjoining property, and in case the owner of such property shall neglect or refuse to remove the same within ten days after being notified so to do by the Council, either personally or by one publication in the official newspaper of the city, the Council shall have authority to have the same removed and assess the cost thereof against the property.

ENGINES AND BOILERS.

(10) To regulate the use of steam engines, gas engines, steam boilers, and electric motors, and to prohibit their use in such localities as in the judgment of the Council would endanger public safety.

WHISTLING AND SMOKE.

(11) To regulate or prohibit the whistling of locomotives, mills, factories and the discharge of steam, cinders, sparks and dense smoke therefrom.

FIRE LIMITS.

(12) To prescribe fire limits, and determine the character and height of buildings that may be erected therein, and the nature of the materials to be used in the construction, alteration or repair of such buildings, or existing buildings within such fire limits.

BUILDING REGULATION.

(13) To regulate the construction of and the material used in all buildings, chimneys, stacks, and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures, and to provide for their summary abatement or destruction. To regulate the materials used in, and the method of construction of foundations, the manner of construction and location of drains and sewers.

The materials and methods used in wiring buildings or other structures for the use of electricity for lighting, power, heat or other purposes, and materials used for piping buildings, or other structures for the purpose of supplying the same with water or gas and the man-

ner of so doing, and to prohibit the construction of buildings and structures which do not conform to such regulations.

FIRE ESCAPES.

(14) To require the owners and lessees of buildings or other structures to place upon or in them fire escapes and appliances for the extinguishing and prevention of fires.

PRECAUTION AGAINST FIRES.

(15) To prevent the construction and to cause the removal of dangerous chimneys, fire places, stoves, stovepipes, ovens, boilers, apparatus and machinery used in any building in the city: to require gas cut offs at curb lines, to regulate the operation of manufactories liable to cause fire; to prevent the depositing of ashes, accumulations of shavings, rubbish or any combustible material in unsafe places, and to make provision to guard against fires.

PROVISIONS FOR SAFETY IN THEATRES, HALLS, ETC.

(16) To regulate the size and construction of the entrances to and exits from theatres, lecture rooms, halls, schools, churches and other places for public gatherings of every kind, and to prevent the placing of seats, chairs, benches, or other obstructions in the hallways, aisles, or open places therein.

PROVISIONS FOR SAFETY IN STREETS.

(17) To regulate the speed of railroad trains, engines and cars passing through the city and the speed of the cars of street or inter-urban railways using the streets of the city, to require railroad companies to station flagmen, place gates or viaducts at all such street crossings as the Council deems proper, to require street cars and local trains to be provided with fenders, or other appliances for the better protection of the public, to prohibit the making up of railroad trains on any of the streets, street crossings or street intersections of the city; to regulate the speed at which persons may ride, drive or propel bicycles, automobiles or other vehicles along or upon any of the streets or highways of the city.

IMPROPER USE OF STREETS.

(18) To regulate or prohibit the exhibition or carrying of banners, placards, or advertisements, and the distribution of hand bills on the streets, public grounds or sidewalks. To regulate and prevent the flying of banners, flags or signs across the streets or any part thereof; to regulate or prohibit traffic and sales in the streets and public places; to prevent encroachments upon or obstruction in the streets and to require their removal.

WIDTH OF TIRES. HEAVY LOADS ON STREETS.

(19) To regulate and prescribe the width of tires on wheels of vehicles used in the city, and the maximum weight of loads to be drawn over any street in the city, and to direct upon what street heavy loaded vehicles or traction engines may be drawn or moved, and from what streets, avenues and boulevards the same shall be excluded.

SNOW, WEEDS AND RUBBISH ON SIDEWALKS.

(20) To compel the owner or occupant of buildings or grounds to remove snow, ice, dirt, rubbish and weeds from the sidewalks, adjacent thereto; and in his default, to authorize the removal thereof, by some

officer of the city at the expense of such owner or occupant, and assess the cost thereof against the property and make such expense a lien upon such building or grounds.

BILLBOARDS AND SIGNS.

(21) To regulate, license or prohibit the construction and use of billboards and signs.

DOGS.

(22) To regulate and prevent the running at large of dogs; to prevent dog fights in the streets; to provide for the destruction of vicious dogs and to require the payment of license fees by the owners or persons having possession of dogs, and to impose penalties upon such persons for refusing to pay such license fees.

PUBLIC POUNDS, ETC.

(23) To prevent or regulate the running at large of any animals and poultry, and to establish and maintain a pound and to authorize the destruction or other disposition of any animal running at large, and to prevent the keeping of hogs in the settled and platted portion of the city.

CRUELTY TO ANIMALS.

(24) To prohibit and punish cruelty to animals and to require the places where they are kept to be maintained in a clean and healthful condition.

PRESERVATION OF HEALTH.

(25) To make all regulations which may be necessary and expedient for the preservation of health and the suppression of disease, to make regulations to prevent the introduction of contagious, malignant, infectious or other diseases into the city; to make quarantine laws and regulations; to regulate, control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious disease.

DANGEROUS AND OFFENSIVE OCCUPATION, DISAGREEABLE NOISES.

(26) To regulate or prohibit the operation of all manufactories, occupations or trades which may be of such a nature as to affect the public health, or good order of the city, or disturb the public peace, or which may be offensive or dangerous to the inhabitants residing in vicinity, and to provide for the punishment of all persons violating such regulations, and the punishment of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them; to make regulations for the suppression of disagreeable, offensive and injurious noises.

INSPECTION OF FOOD PRODUCTS.

(27) To provide for and regulate the inspection and sale of meats, poultry, fish, game, bread, butter, cheese, lard, eggs, vegetables, bread stuffs, milk and other food products offered for sale in the city and to provide for the taking and summarily destroying of any such products as are unsound, spoiled, adulterated or unwholesome, and to regulate and prevent bringing into the city or keeping within the city any such unsound, spoiled, adulterated or unwholesome products.

DAIRIES.

(28) To provide for and regulate the inspection of all dairies, milk and cream depots that offer for sale any of their products in the city.

INSPECTION OF RESTAURANTS, HOTELS ETC.

(29) To provide for the inspection and regulation of restaurants, hotels, bakers and butcher shops.

LODGING, TENEMENT AND APARTMENT HOUSES.

(29a) To regulate lodging, tenement and apartment houses, and to prevent the overcrowding of the same, and to require that they be put and kept in proper sanitary condition.

PLUMBERS. SEWER CONNECTIONS.

(30) To license plumbers and regulate the construction, repair and use of sewers, sinks, gutters, wells, cess pools and vaults, and to compel the connecting, cleaning or emptying of the same, and to designate the time and manner in which the work shall be done.

EXCAVATIONS.

(31) To regulate the making of excavations in streets and public grounds, and to require that all excavations made in the streets and public grounds, where pavements are laid shall be filled and re-laid by the city, at the cost of the party applying to make the same.

GARBAGE.

(32) To provide for the collection and disposal of garbage, ashes, animal and vegetable refuse, dead animals, animal offal, rubbish and waste matter.

TRANSIENT MERCHANTS, PEDDLERS, SECOND-HAND AND JUNK-DEALERS.

(33) To regulate, control and license transient merchants, peddlers, second-hand and junk-dealers, book agents and canvassers, doing business in the city.

FIRE SALES, AUCTIONEERS, PAWN-BROKERS, HAWKERS, ETC.

(34) To license and regulate gift, fire, auction and bankrupt sales, and to license and regulate auctioneers, pawn-brokers, hawkers, porters, runners, agents and solicitors for carriages, hacks, cars, and public houses.

INTOXICATING LIQUORS.

Section 33. To license and regulate the sale of spirituous, vinous, fermented, malt and other liquors. To restrain any person from selling, giving away, or otherwise dealing in such liquors unless under license, and to impose penalties therefor, providing however, that in no case shall license be granted to any person, to vend, deal in, or dispose of any such liquors within a distance of one thousand feet from any public school.

Provided, that the city clerk on petition of 100 legal voters of the city filed with him at least twenty days before the general city election, shall give notice at the same time and in the same manner as the notice of such election, that the question of granting license for the sale of such liquors will be submitted to the voters at such election. Said question shall be voted on by ballot, and the returns shall

be canvassed and determined as other returns, and the result thereof shall be filed in the office of the city clerk and entered upon his records. Such vote shall remain in force for a period of two years and until reserved at a subsequent general city election at which the question of granting license is again in like manner submitted.

REGULATION OF PUBLIC VEHICLES.

(36) To establish stands for hacks, public carriages, express wagons, and other public vehicles for hire, and to regulate the charges for such vehicles, and to require schedules of such charges to be posted in or upon such public vehicles.

WEIGHTS AND MEASURES.

(37) To provide for the inspection and sealing of all weights and measures used in the city, and to enforce the use by dealers of proper weights and measures duly tested and sealed.

PUBLIC SHOWS. GAMBLING.

(38) To license, regulate, restrain or prohibit all exhibitions, public shows, games and amusements; to prevent and prohibit all description of gambling and fraudulent devices and practices, bucket shops, all playing of cards, dice or other games of chance for the purpose of gambling, the keeping or operating of card machines, slot machines or other contrivances upon or into which money is staked, hazarded, deposited or paid upon chance, the selling of pools on races, and to authorize the destruction of all instruments used for the purpose of gambling.

PUBLIC ORDER AND DECENCY.

(39) To restrain and punish vagrants, mendicants, lewd persons, keepers of disorderly and bawdy houses, and prostitutes; to prevent and punish drunkenness, prize fights, and all offensive, immoral, indecent and disorderly conduct and practices in the city.

ERRONEOUSLY COLLECTED TAXES.

(40) To order the repaying by the Treasurer of any taxes, percentages or costs erroneously or illegally collected.

FEES.

(41) To fix the fees and charges for all official services not otherwise provided for in this Charter.

MAYOR'S URGENCY FUND.

(42) To provide an urgent necessity fund not exceeding One Hundred Dollars a year to be expended under the direction of the Mayor.

GENERAL SUPERINTENDENT.

(43) To elect a general superintendent who shall have full charge of the general business management of the city, to prescribe his duties pertaining thereto, and fix his compensation therefor.

PURCHASE OF PROPERTY UNDER EXECUTION.

(44) To provide for the purchase of property levied upon, under execution in favor of the city, but the amount bid on such purchase shall not exceed the amount of judgment and costs.

SALE OF USELESS PERSONAL PROPERTY.

(45) To provide for the sale at public auction, after advertising for five days, of personal property unfit or unnecessary for the use of the city.

STREET GRADES.

(46). To establish or change the grade of any street or public place.

BOULEVARDS.

(47). To set aside as a boulevard any street over which there is no existing franchise for any railroad, and to regulate and prevent heavy teams thereon; and when any such street shall have been set aside as a boulevard, no franchise for a railroad, interurban or street railway of any kind shall ever be granted upon such boulevard, unless an ordinance to that effect shall have been duly passed by popular vote, as provided for in Chapter XII.

SLAUGHTER HOUSES, STOCK YARDS, ETC.

(48). To prohibit, regulate and license slaughter houses, to direct the location and regulate the management, use and construction of stock yards, packing houses, renderies, store houses for hides, bone houses, and to direct the location and regulate the construction and use and manner of operation of stables, livery-stables and blacksmith shops within the limits of the city.

STREETS, ALLEYS, SIDEWALKS AND PUBLIC GROUNDS.

(49). To regulate the use of streets, alleys, sidewalks and public ground, and prevent the encumbering of streets, sidewalks, alleys, lanes and public grounds with carriages, carts, wagons, sleighs, or other material or with boxes, lumber, firewood, posts, awnings, or any other substance whatever.

NOXIOUS AND UNHEALTHFUL SUBSTANCES.

(50). To provide for the removal of noxious and unhealthful substances from property situate within the limits of the city and to assess the costs and a penalty of one dollar against the property from which the same is removed.

BILLIARD AND OTHER TABLES, BOWLING ALLEYS.

(51). To license and regulate billiard, pool and all similar tables for the playing of games, bowling alleys and shooting galleries.

PUBLIC DANCES, SKATING RINKS.

(52). To license and regulate public dances, dance halls, and skating rinks and street carnivals, provided however that no license shall be granted, or permission given to any street carnival company or public shows to conduct, exhibit, or operate such shows within the limits of the city, when any games of chance are operated in connection therewith, or anything of an immoral nature.

NUISANCES INJURIOUS TO HEALTH.

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

OTHER NUISANCES.

(54). To remove and abate any nuisance, obstruction or en-

croachment upon the streets, alleys, public grounds, and highways of the city.

LICENSES, HOW REVOKED.

(55). Any license issued by the authority of any ordinance may be revoked at any time by the Common Council of the city, and upon conviction before any court, of any person holding such license, for a violation of the provisions of any ordinance relating to the existence of any right granted by such license, the court may revoke such license in addition to the penalty provided by law or ordinance for any such violation, and the second conviction of any such violation shall operate to revoke such license without any further act or ceremony.

DITCHES, ETC.

(56). To compel and require railroad companies to make and keep open and in repair, ditches, sewers, drains, and culverts along and under railroad tracks, so that water cannot stand on their grounds or right of way, and so that the natural drainage of adjacent property shall not be impeded.

SPUR TRACKS.

(57). To permit the laying of spur or side tracks and running cars thereon, for the purpose of connecting warehouses, manufactories, or other business enterprises, with any line of railroad that may be built, with the other lines of railroad which do now or may hereafter enter the city, subject to such regulations and conditions as may be prescribed by the council, such tracks to be used for transportation of freight only, and not to be used as a main line or a part thereof; and also for the purposes of excavating and filling a street for such limited time as may be necessary for such purpose and no longer.

Such sidetracks must be laid level with the street and must be operated under such restrictions as not to interfere with the use of streets by the public. All permits granted under the provisions hereof shall be revocable at the pleasure of the Council.

REGULATION OF POLES AND WIRES.

(58). To cause the removal and placing under ground of all telephone, telegraph, electric or other wires within the city, or within any designated portion thereof, and to regulate or prohibit the placing of poles and suspending of wires along or across any of the streets, alleys or public places in the city.

SIZE AND LOCATION OF PIPES.

(59). To regulate the size and location of all water, gas and other pipes and conduits laid or constructed in the streets and public places, and to require the filing of charts and maps of such pipes and conduits.

ELECTIONS.

(60). To make all rules and regulations governing election, not inconsistent with this Charter and the general laws of the State.

PARK, PLAY GROUND, AND PUBLIC CHARITY COMMISSIONS.

(61). To establish a park commission, a play ground commission, and a commission of public charities, and to appoint commis-

sioners thereon, to serve without compensation with such powers and duties as may be fixed by the Council.

MUNICIPAL OWNERSHIP.

(62). To provide a suitable procedure for taking over or otherwise acquiring municipal ownership of public utilities.

ADDITIONAL POWERS.

(63). To enact appropriate legislation, and do and perform any and all other acts and things which may be necessary and proper to carry out the general powers of the City, or any of the provisions of this Charter, and to exercise all powers not in conflict with the Constitution of the State, with this Charter, or with ordinances adopted by the people of the city; and the above enumeration of specific powers shall not be held in any way to curtail or restrict any power which the Council might otherwise have under the common law.

CHAPTER IX.

FINANCES AND TAXATION.

THE FISCAL YEAR.

Section 70. The fiscal year of the city shall commence upon the second Tuesday of April of each year.

DEBT NOT TO BE INCREASED OR CREDIT LOANED.

Section 71. The debt of the city shall not be increased, nor shall any new bonds of the city be issued except as provided herein, nor shall the city loan its credit, become a stockholder, or make contributions or donations to any person, company or corporation, except as herein provided.

PROVISIONS TO BE MADE TO PAY BONDS.

Section 72. The Council is authorized to provide by taxation, for the prompt payment of interest upon indebtedness, and for a sinking fund for the purposes of meeting bonds of the city at maturity, whether heretofore or hereafter issued.

MONEY. HOW PAID OUT. CITY ORDERS.

Section 73. All moneys belonging to the City, except as otherwise provided for in this Charter, shall be under the control of the Council, and shall be paid out only upon the order of the Mayor, countersigned by the City Clerk, duly authorized by a motion or resolution by the Council, by an affirmative vote by ayes and noes of three-fifths of its members. Every order drawn upon the treasury shall designate the purpose for which it is drawn, and the fund upon which drawn, and shall be payable only out of the fund named in the motion, or resolution providing for its payment. Each order shall be payable to the order of the person in whose favor it is drawn, and may be transferred by endorsement; no order on any fund shall be drawn until there is money sufficient to the credit of such fund to pay the same, together with all the orders previously issued against such fund; Providing however, orders on any fund, if necessary, may be drawn in anticipation of the taxes then levied for the ensuing year, but no orders shall be issued for any of said separate funds, exceeding fifty per cent of the amount named in said tax estimate and levy, to be collected for the use and benefit of said fund.

PROPERTY SUBJECT TO TAXATION.

Section 74. All property in the City of Pipestone, taxable under the laws of the State shall be subject to taxation for the support of the City government and the payment of its debts and liabilities, and the same shall be assessed as provided by law, and this Charter.

There shall be maintained in the city treasury the following funds, and the Council by three-fifths vote of its members may levy an annual tax upon all taxable property in the city for the support of such funds, and the purposes following, that is to say:

First: An interest fund, for which there shall be levied a sum sufficient to provide for the payment of the interest to become due during the next fiscal year, upon the indebtedness of the city. Out of such fund interest only shall be paid.

Second: A sinking fund to provide for the payment when due of the bonds of the city, as long as there shall be any of such bonds unpaid. For the maintenance of this fund, there shall be levied an annual tax of at least one mill on the dollar of the assessed valuation of all taxable property of the city and of all other property liable therefor. This fund shall be applied only to the payment of principal of bonds issued by the city. When the fund shall amount to the sum of Five Hundred Dollars or more, the City Treasurer, with the approval of the Superintendent of the Department of Accounts and Finances, shall invest said funds in bank certificates of deposit, with interest payable at the usual rate, or in other safe interest bearing securities. When the bonded indebtedness is fully paid, any fund remaining therein shall be turned into the general fund.

Third: A fire department relief fund to be turned over to the Treasurer of the Firemen's Relief Association of the fire department.

Fourth: A street, road and bridge fund to provide for the cleaning and repairing of streets, sewers, sidewalks, crosswalks and bridges.

Fifth: A library fund to provide for the support of the Public Library.

Sixth: A water and light fund to provide for the support and maintenance of any plant owned or operated by the city for furnishing to the city or its inhabitants, water or light, and of paying the cost of the purchase, construction, extension, operation, maintenance and repair of such water and light plant.

This fund shall not be maintained by taxation, but there shall be paid into it all moneys derived from the sale of any property acquired for or used in connection with any water and light plant of the city; also the proceeds of all special assessments levied on account of or in connection with such water and light plant, also such amounts as may from time to time be realized from the sale of bonds issued on account of said plant; and also all moneys received from the sale of said plant including water and light, rentals and penalties, and all moneys derived from water assessments on property in front of which water pipes are laid. The surplus in this fund at the close of each fiscal year, may, if the Council elect, be paid into the sinking fund.

Seventh: A permanent improvement fund for the purpose of paying the cost of all real property, and all rights therein and all improvements thereon, which the city shall acquire for its various pur-

poses, and the payment for which is not otherwise provided for out of other funds, and also for the purpose of paying such portions of the expenses of local improvements as shall devolve upon the said city. There shall also be paid into this fund all moneys received from the sale of any permanent improvements or property of the city, not otherwise disposed of under this Charter, and also such amounts as may from time to time be realized from the sale of bonds issued on account of this fund.

Eight: A general fund to provide for all current and incidental expenses of, salaries of all employes and officials of the city, and judgments against the city not otherwise provided for, and such other disbursements as may be authorized by law. There shall be paid into this fund all moneys received from any source save when received for a specific use and purpose.

Nine: A permanent improvement revolving fund for the purpose of providing money for paying for that portion of local improvements, under the provisions of this Charter for which assessments may be levied, but it shall not be supported by taxation. There shall be paid into it all moneys received from all special assessments levied under this Charter for local improvements, and also such amounts as may be realized from the sale of bonds, warrants, or certificates authorized therefor in this Charter, and the sale of all real property acquired through unpaid assessments.

Ten: A cemetery fund to provide for the purchase, operation and maintenance of a cemetery. Into this fund shall be paid all moneys derived from the sale of cemetery lots.

Eleven: Sewer extension fund for the purpose of paying the cost of the extension of the general sewer, the construction, operation and maintenance of the general sewer, septic tanks and filter beds.

Provided, that nothing contained herein shall prevent the Council from borrowing from the general fund to aid and help any other fund at such times as in its judgment public necessities require, but the Council shall have no power to borrow from any fund except the general fund.

Moneys (1) in the city treasury at the time this Charter goes into effect, (2) to be collected from taxes levied before this Charter goes into effect shall so far as practicable be divided among the several funds hereby established and where such sub-division is not practicable, shall be kept in the general fund. The Council, by resolution shall provide for such sub-division in accordance with the directions herein contained.

Where, prior to the time this Charter goes into effect an assessment has been levied to cover the cost of a local improvement, which improvement has not at said time been paid for, the proceeds of such assessment shall be paid into the permanent improvement revolving fund, and the cost of said improvement shall be paid out of said fund.

From the general fund the Council may in every year by resolution appropriate a sum not to exceed One Hundred Dollars for contingent expenses incurred or to be incurred by the Mayor in the detection and prevention of crime in the city.

POWER TO BORROW MONEY OR INCUR DEBT.

Section 75. The city may issue bonds by resolution as follows:

(1). For the purpose of constructing, maintaining, extending, enlarging, or improving suitable water or light plants, or for the purpose of purchasing any such plant already in existence in the city, or for the purpose of acquiring any real estate or other property needed in connection with any such plant and such bonds shall be a first lien upon all water and light plants and structures of any kind, if issued for both, and if for one only upon the appliance and structures thereof, and all property acquired for use in connection therewith.

(2.) For the purpose of raising not to exceed Five Thousand Dollars for a permanent improvement revolving fund provided for in this Charter, in order to provide money for any contemplated local improvement, and such bonds shall constitute a first lien upon such local improvements and upon the property benefited thereby and to be assessed therefor to the amount of such assessment.

(3). For defraying the cost of making local improvements in intersections of streets, alleys, and in front of property exempt by law from special assessments, and property owned by the city.

(4). For defraying the cost of establishing and maintaining a general system of sewers and of maintaining, altering, relaying and extending the existing system of sewers.

(5). For the purpose of paying, funding or refunding any bonded indebtedness of the city, existing at the time this Charter goes into effect, or created at any time as authorized by this Charter. The city by resolution may issue its certificates or other evidence of indebtedness, in anticipation of any taxes or assessments, levied upon any portion of the taxable property of the city, as provided for herein. Such resolution for the issuance of bonds or certificates may provide that the same shall be general obligations of the city, or that they will not be general obligations, but shall be payable out of any specified taxes, assessments, funds, or liens held by the city, or may limit the city's liability thereon in any other manner, or may guarantee that the city shall pay the same, provided, that the bonds issued under subdivisions, one, two, three and four above mentioned, shall be general obligations of the city.

The city shall have authority to protect itself by acquiring title to any property subject to special assessment for local improvements, and shall have authority to purchase or bid in at tax sales any property sold for special assessment for local improvements, and shall have authority by ordinance or resolution to assign and convey any property so acquired, whether proceedings to acquire such title have been had prior to the time of the going into effect of this Charter, or thereafter, and shall have the power in like manner to assign any lien or right of action held by the city on account of, or arising out of any such assessment as security for the payment of any bonds, certificates of indebtedness, or other evidence of indebtedness mentioned in this section, or to provide that such bonds, certificates or other evidence of indebtedness mentioned herein, may be collected out of any such property, liens, or rights of action.

No bonds shall be issued unless the issuance thereof is authorized by a resolution or ordinance passed by a four-fifths vote of all the members of the Council.

The debt of the city shall not exceed five per cent of the total value of the taxable property of the city, according to the last preceding assessment for the purpose of taxation; provided, that bonds may be issued as above provided in subdivisions one, two, three and four, but the total amount of such bonds, when added to the other indebtedness of the city, shall not exceed ten per cent of its taxable property as above defined; and provided further, that bonds may be issued as above provided, for funding the city's bonded indebtedness whenever required, and provided further that certificates of indebtedness against taxes levied and assessed may be issued as hereinafter provided.

Bonds, warrants, certificates and other evidence of indebtedness of the city, authorized by this Charter, shall in no event bear a greater rate of interest than six per cent per annum, and shall in no event be sold for less than the par value thereof.

ANNUAL BUDGET.

Section 76. The Council shall meet annually in the month of September prior to the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the next ensuing fiscal year.

LEVY, WHEN MADE.

Section 77. The levy shall be made by the Council on or before the tenth day of October of each year, and the same shall be entered upon the tax duplicate for the county, and collected with the county and state taxes.

SEPARATE ACCOUNT TO BE KEPT FOR EACH FUND.

Section 78. The City Clerk and Treasurer shall each, as soon as the tax estimate is made in each year, open and keep in his book separate and distinct accounts for each of the several divisions of taxes shown in the tax estimate of the then current year; and in making any tax estimate for expenditures, and in making any levy, the Council shall itemize the same, so as to show separately the amount to be collected from taxes for each fund, as said funds are designated in Section 74.

It shall be the duty of the Treasurer to keep a complete, accurate and separate account of each and all of the separate funds embraced in subdivisions one to eleven inclusive of section 74, which shall accurately show at all times the amount of money received by him for the credit of each of such funds, and whence received, and the amount of money paid out by him on account thereof, and to whom, and for what purpose paid out.

The Treasurer shall also keep a separate and distinct account of moneys received or to be received for each local improvement, for which an assessment is made, and when any money is collected by him from the County Treasurer, or any other source, on account of any such assessment, it shall be his duty to credit the sum to its separate assessment account. Whenever the County Treasurer shall pay over to the City Treasurer any taxes belonging to the city, and collected under any levy, and whenever any money is received by the

City Treasurer from the sale of certificates of indebtedness disposed of in anticipation of the collection of a tax based on a tax estimate, the City Treasurer shall credit each of the respective funds and accounts with its proportionate amount of receipts according to the tax estimate of the fiscal year for which such estimate is made. The money collected on account of assessments shall not be paid out by the Treasurer except in payment of assessment work. The money received from the sale of certificates of indebtedness based on a tax estimate, and the money received from the County Treasurer on a tax levy based on such estimate, shall be used and applied only to defray the expenditures together with the arrearages due and unpaid for, the specific object for which said estimate was made, and said taxes were levied.

After the accounts are opened in the books as hereinbefore provided any moneys thereafter received by the city from the collection of delinquent taxes, shall forthwith be distributed to the funds provided for herein, so far as such funds correspond to the funds named in the particular tax levy on which said delinquent taxes are collected; and so far as they do not correspond, the delinquent taxes collected shall be credited to the general fund. The surplus of any years receipts over expenditures in any particular fund may be carried forward to the same fund for the succeeding year.

TAX CERTIFICATES.

Section 79. At any time after the annual tax levy has been certified to the County Auditor, and not earlier than October 10th, in any year, the Council may by resolution passed by four-fifths majority of its members, issue and sell as many certificates of indebtedness as needed in anticipation of the collection of the taxes so levied, as aforesaid, for any special fund named in said tax estimates for the purpose of raising money for such special fund, but no certificates shall be issued for any of said separate funds, exceeding fifty per cent of the amount named in said tax estimate, to be collected for the use and benefit of said fund, and no certificate shall be issued to become due and payable later than December 31st of the year succeeding the year in which said tax estimate, certified to the Auditor as aforesaid was made, and said certificate shall not be sold for less than par and accrued interest and shall not bear a greater rate of interest than six per cent per annum; each certificate shall state upon its face for which fund the proceeds of said certificate shall be used, and for the whole amount embraced in said tax estimate for that particular purpose. They shall be numbered consecutively and be in denominations of fifty dollars, or a multiple thereof, and may have interest coupons attached, and shall be otherwise of such form and terms, and be made payable at such place, as will best aid in their negotiations, and the proceeds of the tax assessed and collected as aforesaid on account of said fund, and the faith and credit of the city are irrevocably pledged for the redemption of the certificates so issued.

BOARD OF EQUALIZATION.

Section 80. The Council and City Clerk shall constitute the board of equalization, and shall be sworn according to the Law as such, and shall meet at the City Hall on the 4th Monday in June of each

year, and shall continue in session not later than the Friday next preceding the second Monday in July, to review, amend and equalize the work of the city assessor, pursuant to the general laws of the state.

RECORD SESSIONS AND POWERS.

Section 81. Said board shall keep a record of its proceedings, and it is hereby vested with all powers which are or may be vested in the county board of equalization under the general laws of the state, but shall not be restricted by any limitations in respect to reducing the aggregate sum of real or personal property as returned by the city assessor.

WHO MAY APPEAR BEFORE BOARD.

Section 82. Every person aggrieved by an assessment shall have the right to appear in person or by attorney before such board and present his grievance for its consideration.

REVISION AND CERTIFICATION OF ASSESSMENT ROLLS.

Section 83. The City Assessor shall revise his assessment rolls in accordance with the decision of said board, and after the same shall have been certified by the Mayor and City Clerk, shall transmit to the County Auditor such revised assessment rolls not later than the second Monday in July, and unless otherwise provided, the assessor shall proceed under the general law of the state.

DISPOSITION OF MONEYS COLLECTED.

Section 84. Every officer collecting or receiving moneys belonging to or for the use of the city shall settle for the same with the city treasurer on or before the last day of each month, or at such more frequent intervals as directed by the Council, and immediately pay all of such money into the Treasury, for the benefit of the funds to which such moneys severally belong. When the last day of the month falls upon a Sunday, or a legal holiday, the said payments shall be made on the next preceding business day.

UNIFORM ACCOUNTS AND REPORTS.

Section 85. The Council shall prescribe uniform forms of accounts, which shall be observed by all officers and departments of the city which receive or disburse moneys.

CHAPTER X.

DEFINITIONS.

Section 86. All contracts for commodities, or service to be furnished or performed for the city, or any department thereof, involving an expenditure of more than five hundred (500) dollars shall be made as in this Charter provided, and not otherwise.

The words "Commodities" and "Service" as used in this Chapter shall be construed to include all labor, materials or other property, and all lighting and other service and all local or public improvements.

The word "Contract" as used in this chapter shall be construed to include every agreement, in writing or otherwise, executed or executory, by which any commodities, labor or service are to be furnished to or done for the city, and every transaction whereby an expenditure is made or incurred on the part of the city or any department or officer thereof.

All action in this chapter required or authorized to be taken by the Council shall be by resolution or ordinance.

ESTIMATES, AMOUNT OF CONTRACT.

Section 87. The Council, in the first instance, shall on its own motion, or may, on the recommendation or report of any department or officer of the City, determine in a general way the commodities, labor or service to be done or furnished, and shall estimate the cost thereof, and in order to determine such estimated cost may require estimates from any officer or employee of the city.

In case such estimated cost does not exceed the sum of five hundred dollars, the Council may direct that the commodities, labor or service be procured by or through the proper department or officer of the city without public bids.

In all cases where such estimated cost exceeds the sum of five hundred dollars said commodities, or service shall only be furnished or done upon public bids.

PLANS AND SPECIFICATIONS.

Section 88. Before advertising for bids, the Council shall cause to be prepared by the proper department or officer of the city, and filed with the City Clerk, detailed plans and specifications and the proposed contract for commodities and service.

ADVERTISING.

Section 89. After filing the same the Council shall direct the City Clerk to advertise for bids for doing or furnishing said commodities or service in accordance with such contract, plans or specifications. Such advertisement shall be published in the official paper and in such other manner as the Council may direct.

All advertisements for bids shall clearly state that such bids are to be received and opened at a public meeting of the Council, in the Council Chamber, upon a certain day and hour.

CERTIFIED CHECKS.

Section 90. In advertising for any bid the Council shall require bidders to accompany bids with a certified check upon some reputable bank, payable to the city of Pipestone, for at least ten per cent of the total amount of such bid, which check shall be forfeited to the city, as liquidated damages, if the bidder upon the letting of a contract to him, shall fail to enter into the contract so let, and furnish a good and sufficient bond as provided by Section 94. In all advertisements for bids, there shall be reserved the right to reject any and all bids.

RECEIVING AND OPENING BIDS.

Section 91. At the time and place mentioned in the advertisement for bids, the Council shall meet in public session and publicly receive, open and read all bids that may be presented; before any bids are opened, they shall be numbered consecutively, and no further bids shall be received after any bid has been opened. The Council shall give all persons who desire the same, an opportunity to inspect all bids when they are opened. No bid shall be considered if unaccompanied by a certified check; as aforesaid.

ACTION OF COUNCIL.

Section 92. The Council shall act upon such bids and determine which one, if any, shall be accepted. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements, provided, that the Council may reject any bids which it may deem unreasonable or unreliable, and the Council in determining the reliability of the bid shall consider the question of the responsibility of the bidder and his ability to perform his contract without reference to the responsibility of the sureties on his bond, and any person who shall have defaulted in any contract awarded by the city, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him, shall not be considered a reliable and responsible bidder. In case the lowest responsible bid shall be more than the estimated cost of such commodities or service, the Council may reject all bids and abandon the proposed contract, or it may require the City Clerk to advertise for new bids in the manner hereinbefore provided.

All contracts shall be executed by the bidder and bond furnished, as provided by section 94, within fifteen days after the contract is ready for his signature, and if not executed by him in said time, and said bond furnished, he shall be deemed to have abandoned the same.

PERFORMANCE OF CONTRACTS.

Section 93. After the acceptance by the Council of any bid, it shall direct the execution of a contract by the proper officers, in accordance with plans, and specifications and such contract shall be carried out by the proper department or officer of the city, as, in this Charter provided.

In case the Council shall determine that any commodities or service are to be procured in open market, the same shall be procured by the proper department or officer in accordance with such general directions as the Council may give.

BONDS.

Section 94. Every person to whom a contract is awarded for an amount exceeding two hundred and fifty dollars, shall give bond, in such sum as the Council may direct, and with such sureties as it may approve, for the faithful performance of such contract. In all cases of contracts coming within the purview of Sections 4535 to 4539 inclusive, of the Revised Laws of 1905, of the State of Minnesota, and Supplemental and amendatory thereto, it shall require such bonds as are required by such laws.

EXPENDITURES.

Section 95. It shall be the duty of each officer or head of a department to report to the Council, quarterly, the commodities, work and services likely to be needed for the operation of his department or office, for the ensuing quarter, and not theretofore contracted for.

EMERGENCIES.

Section 96. In case of emergency, and when the delays provided for in this chapter will cause great damage to the public or endanger public safety, the head of any department, with the written approval

of the Mayor, may make necessary repairs by day labor and procure materials therefor in the open market.

CONTRACTS NOT TO BE ASSIGNED.

Section 97. No contract for which a bond is required shall be assigned or transferred in any manner except as in this section provided, and any assignment or transfer thereof, except by operation of law, or by consent of the Council expressed by resolution, shall fully end and determine such contract, and shall make the same null and void as to any other or further performance thereof by the contractor or his assigns without any act on the part of the city; and the city, through its proper authorities, may at once proceed to re-let such contract, or may in its discretion, proceed to complete the same as the agent and at the expense of such contractor and his sureties.

AFFIDAVITS THAT CLAIMS ARE PAID.

Section 98. Before any contractor or his representative shall receive a final estimate on any contract for which a bond is required, said contractor or his representative, shall make and file with the City Clerk an affidavit that all claims for materials and labor to date on the work on which such estimate is asked, have been fully paid.

CONTRACTS FOR OFFICIAL ADVERTISING AND PRINTING.

Section 99. The Council shall let annually, at the first meeting in the month of May or as soon thereafter as practicable, contracts for the official advertising and printing for the ensuing fiscal year. For this purpose the Council shall advertise for one week, by one publication setting forth the work contemplated to be done and asking for sealed proposals therefor. The proposals shall specify the type and spacing to be used. The Council shall let the contract for such official advertising to the lowest responsible bidder publishing a newspaper in the city which is a legal newspaper according to the laws of the State, provided, the Council may reject any or all bids. If the Council shall deem it best for the interest of the city to select a newspaper that is not the lowest bidder, they may select such newspaper. The newspaper to which the contract is let shall be designated as the "official newspaper." The successful bidder shall be required to give a bond to the city in the sum of Five Hundred Dollars for the faithful performance of the contract.

COLLUSION WITH BIDDER.

Section 100. Any officer of the city or of any department thereof, who shall aid or assist any bidder in securing a contract to furnish labor, material, or supplies at a higher price than that proposed by any other bidder, or who shall favor one bidder over another, by giving or withholding information or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for or who shall knowingly accept materials or supplies of a quality inferior to those called for by any contract, or who shall knowingly certify to a greater amount of labor performed, or to the receipt of a greater amount or different kind of material or supplies than has been actually received, shall be deemed guilty of malfeasance and shall be removed from office.

COLLUSION BY BIDDER.

Sec. 101. If at any time, it is found that the person to whom a contract has been awarded has, in presenting any bid or bids colluded with any other party or parties for the purpose of preventing any other competing bids being made, or has entered into an agreement by which he had made a higher or lower bid than some other person for the purpose of dividing the contract or profits therefrom between two or more bidders, then, the contract so awarded shall be null and void, and the Council shall advertise for new bids for said work, or provide for such work to be done by the proper department or officer.

PENALTY.

Section 102. Any contract made in violation of the provisions of this chapter shall be absolutely void, and any money paid on account of such contract by the city, may be recovered by the city, without restitution of the property or the benefits received or obtained by the city thereunder.

CHAPTER XI.**FRANCHISES.****ORDINANCES GRANTING FRANCHISES.**

Section 103. Every ordinance by which the Council shall propose to grant any franchise shall contain all the terms and conditions of the franchise to be granted, and it shall be a feature of every franchise so granted, that the maximum price for the service or charge shall be stated in the grant thereof.

REGULATION OF RATES.

Section 104. The city shall have the power to regulate and control the maximum rate to be charged by any corporation or person exercising any franchise in the city for the service rendered by it to the city, or to the public, but such price shall be fair and reasonable to such corporation or persons and to the public. The manner in which such rate shall be regulated shall be fixed by the Council by ordinance and the Council is hereby authorized to provide by ordinance for the appointment of commissioners to fully investigate and determine all questions with reference to rates to be charged by any such corporation or person.

LIFE OF FRANCHISE.

Section 105. The Maximum length of time for which a franchise or privilege to use the streets, alleys or other public places of the city may be granted to any person, firm or corporation shall be twenty-five years.

FORFEITURE FOR NON-COMPLIANCE.

Section 106. Every ordinance granting any franchise or privilege shall provide for the termination and forfeiture thereof for any breach or failure to comply with any of the terms, limitations or conditions thereof, and in all such cases the Council shall have power to declare the termination and forfeiture of any franchise or privilege, the same as though in each instance such power was expressly reserved.

FRANCHISE NOT IN USE FORFEITED.

Section 107. All franchises and privileges heretofore granted, which the grantees thereof have not in good faith commenced to ex-

ercise, shall be declared forfeited and invalid, unless such grantees or their assigns shall, within six months after this Charter takes effect, in good faith commence the exercise and enjoyment of such privilege or franchise.

MATTERS IN CHARTER NOT TO IMPAIR RIGHT OF COUNCIL TO INSERT OTHER MATTERS IN FRANCHISE.

Section 108. The enumeration and specifications of particular matters in this Charter which must be included in every franchise or grant, shall not be construed as impairing the right of the Council to insert in such franchise or grant, such other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, fares, rentals, charges, control, forfeitures, or any other provision whatever, as the Council shall deem proper to protect the interests of the people.

CHAPTER XII.**THE INITIATIVE.****DIRECT LEGISLATION.**

Section 109. (1) Any proposed ordinance may be submitted to the Council by a petition signed by electors of the city equal in number to the percentage hereinafter required.

PROVISIONS OF CHAPTER IV APPLY.

(2) The provisions of Chapter IV respecting the forms and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

TWENTY PER CENT PETITION.

(3) If a petition accompanying the proposed ordinance be signed by electors equal in number to twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and in no event a less number than eighty qualified electors, and contains a request that such ordinance be submitted forthwith to a vote of the people at a special election then the Council shall either:

(a) Pass said ordinance without alteration within twenty days after attachment of the Clerk's certificate of sufficiency to the accompanying petition; or

(b) Within twenty-five days after such certification, proceed to call a special election at which said ordinance without alteration shall be submitted to a vote of the people. Said special election shall be held within thirty days thereafter unless a general city municipal election shall be held within sixty days from such certification, at which time, said proposed ordinance shall be submitted.

TEN PER CENT PETITION.

(4) If the petition be signed by electors equal in number to at least ten, but not less than twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a Mayor was elected, and in no event a less number than forty qualified electors, and said ordinance be not passed by the Council as provided, in the preceding subdivision, then such ordinance, without alteration, shall be submitted to a vote of the people at the

next general municipal election occurring at any time after twenty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

PUBLICATION OF POPULAR ORDINANCE.

(5) Whenever any ordinance or proposition is to be submitted to the voters of the city at any election, the Council shall either cause the ordinance or proposition to be printed and mailed by the City Clerk with a sample ballot to each voter, at least three days prior to the election, or order such ordinance or proposition to be printed in the official newspaper and published in like manner as ordinances adopted by the Council, at least three days prior to the election.

ELECTION.

(6) The ballots used in voting upon such proposed ordinance shall contain the words "for the ordinance" (stating the nature of the proposed ordinance) and "against the ordinance." (stating the nature of the proposed ordinance.) If a majority of the qualified electors voting on said proposed ordinance vote in favor thereof, such ordinance shall thereupon become a valid and binding ordinance of the city.

SEVERAL ORDINANCES AT ONE ELECTION.

(7) Any number of proposed ordinances may be voted upon at the same election, in accordance with the provisions of this chapter.

REPEAL OF POPULAR ORDINANCE.

(8) The Council may submit a proposition for the repeal of any ordinance, or for amendments thereto, to be voted upon at any general municipal election; and should such proposition receive a majority of the votes cast at such election, such ordinance shall be repealed or amended accordingly. An ordinance proposed by petition or adopted by a vote of the people cannot be repealed or amended except by a vote of the people.

FURTHER REGULATIONS.

(9) The Council may, by ordinance, make such further regulation as may be necessary to carry out the provisions of this section.

CHAPTER XIII.

THE REFERENDUM.

MODE OF PROTESTING AGAINST ORDINANCES.

Section 110. No ordinance passed by the Council shall go into effect before ten days from the time of its final passage, except when otherwise required by the general laws of the State, or by the provisions of this Charter respecting street improvements, and except the ordinance making the annual tax levy, and except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency, and is passed by a four-fifths vote of the Council; provided that no grant of any franchise shall be construed to be an urgency measure, but franchises shall be subject to the referendum vote herein provided. If during said ten days a petition signed by qualified electors of the city equal in number to at least twenty per centum of the entire vote cast for all candidates for Mayor at the last preceding general municipal election at which a mayor was elected, and in no event a less number than

eighty qualified electors, protesting against the passage of such ordinance, be presented to the Council, the same shall thereupon be suspended from going into operation, and it shall be the duty of the Council to reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit the ordinance as provided in Chapter XII of this Charter, to a vote of the electors of the city, either at the next general municipal election or at a special election called for that purpose, and such ordinance shall not become operative unless a majority of the qualified electors voting on the same shall vote in favor thereof. The provisions of Chapter IV respecting the form and conditions of the petition, the mode of verification, certification and filing shall be substantially followed, with such modifications as the nature of the case requires.

REFERENCE OF MEASURE TO POPULAR VOTE.

Section 111. Any ordinance or measure that the Council or the qualified electors of the city shall have authority to enact, the Council may of its own motion submit to the electors for adoption or rejection at a general or special municipal election, in the same manner and with the same force and effect as is herein provided for ordinances or measures submitted on petition.

FURTHER REGULATIONS.

Section 112. The Council may, by ordinance, make such further regulations as may be necessary to carry out the provisions of this chapter.

CHAPTER XIV.

EMINENT DOMAIN.

LOCAL IMPROVEMENTS, ASSESSMENTS.

SUB-CHAPTER I.

EMINENT DOMAIN. PART I.

GRANT OF POWERS. CITY MAY ACQUIRE PROPERTY.

Section 113. The City of Pipestone is hereby empowered to take or acquire by proceedings in condemnation, any property corporeal or incorporeal wheresoever situated, which may be needed by said city for any public use or purpose.

NECESSITY FOR TAKING TO BE DECLARED BY RESOLUTION.

Section 114. The necessity for the taking of any property, shall be determined by resolution of the Council, which resolution shall in a general way describe the property so needed, and order its condemnation.

CITY MAY ACQUIRE PROPERTY ALREADY DEDICATED TO PUBLIC USE.

Section 115. The fact that the property so needed by the city has been acquired by the owner under eminent domain, or is already devoted to a public use, will not prevent its acquisition by the city.

PROPERTY MAY BE ACQUIRED OTHERWISE THAN UNDER EMINENT DOMAIN.

Section 116. The city may acquire any property by purchase, gift, devise or otherwise, upon the condition in this chapter contained.

CITY MAY MAKE ASSESSMENTS FOR IMPROVEMENTS.

Section 117. The city is hereby authorized and empowered, except as hereinafter specified, to levy assessments upon any property benefited by improvements to the amount of such benefit without regard to cash valuation.

COST OF IMPROVEMENTS.

Section 118. The Council may, by a four-fifths vote, of all its members order that the cost and expense of all or any part of any improvement in this chapter mentioned, shall be paid out of the appropriate fund or general fund of the city without assessment on the property benefited.

PART II.

PROCEDURE WHERE THERE MAY BE AN ASSESSMENT FOR BENEFITS.

COUNCIL TO DETERMINE NATURE AND EXTENT OF IMPROVEMENTS.

Section 119. When the Council shall, by resolution declare that for public improvement it is necessary to take, damage, injure or destroy any private property, or property devoted to a public use, it shall determine by resolution in a general way the nature and extent of the proposed improvement.

CITY ENGINEER TO BE NOTIFIED TO MAKE PLAT.

Section 120. The Council shall thereupon notify the City Engineer of such determination; and thereupon it shall be the duty of the Engineer to make and present to the Council, a plat and survey of such proposed improvement, showing the nature, course and extent of same, and the property necessary to be taken, damaged, injured or destroyed, or benefited thereby together with the name of the owner or owners of each parcel of such property, as the same appears by the last assessment list in the office of the Auditor of the County in which said lands are situate at the date of said resolution of the Council, together with such other statements as may be proper to explain such survey and the nature and extent of such proposed improvement.

Such plat and survey shall show approximately the amount of land belonging to each owner which is to be benefited, taken, damaged, injured or destroyed; and the Council may cause such plat or survey to be modified, amended or changed.

COUNCIL TO ADOPT PLAT, ORDER IMPROVEMENTS AND GIVE NOTICE.

Section 121. When such plat and survey shall finally describe the proposed improvement to the satisfaction of the Council, it shall by resolution adopt the same and order the making of the improvement. The Council shall then give fifteen days' notice by one publication in the official newspaper of the city, of the time and place when it will meet to make an award of damages and assessment of benefits, or an award of damages or assessments of benefits as the case may be, in which notice, it shall describe the land or property to be condemned, by general descriptions, and shall specify what such assessment, if any, is to be for, and in a general way what property will be assessed therefor. It shall cause a copy of such notice to be served in the

manner in which a summons is served in a civil action in District Court upon all parties interested in the land to be condemned or benefited as appears by the last assessment list in the office of the auditor of the county in which the land is situate; who can be found in said county, and also upon all persons occupying said lands, or any part thereof, and it shall mail a copy of such notice to all non-residents of said county, appearing to be interested in said land, addressed to the last known postoffice address of such non-resident and if such address is unknown to the Council; such notice shall be addressed to such person at Pipestone, Minnesota. Proof of the service and mailing of such notice shall be made by the affidavit of the person serving or mailing the same, which shall state the time, place and manner of serving or mailing the same, and how each notice so mailed was addressed, and such affidavit shall be filed and preserved in the office of the City Clerk.

HEARING.

Section 122. All persons interested in any property so to be condemned, or in any real estate to be assessed for such improvement, may be present and hear and adduce evidence, as may the City Attorney, before said Council at said hearing.

DAMAGES. HOW AWARDED. INTEREST.

Section 123. The Council, in making such assessment, shall determine and appraise to the owner or owners the value of the real estate or interest therein taken, damaged, injured or destroyed for the improvement, and the damage arising to them respectively from the condemnation thereof which shall be awarded to such owners, respectively, as damages, after making due allowances therefrom for any benefit which such owners may respectively derive from such improvement.

And said sum, so awarded, as damages, shall bear interest at the rate of six per cent per annum from and after the date of the confirmation of assessment therefor as hereinafter provided until paid.

DAMAGES IN EXCESS OF BENEFITS.

Section 124. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, the Council shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the differences only shall in any case be collected from them or paid to them.

APPRAISEMENT WHERE THERE ARE BUILDINGS ON THE LAND.

Section 125. In case there are buildings or improvements upon any land proposed to be taken in such proceedings, the award shall be for damages to the land and improvements separately.

The value of such building or improvements, or the part thereof necessary to be taken, to the owner in case of removal, shall also be determined by the Council, and notice of such determination shall be given by it to the owner when known, if a resident of the city, personally or to be left at his usual place of abode with some person of suitable age and discretion then residing therein.

If the owner is not known, or is a non-resident of the city, ten days' notice by one publication to all persons interested shall be given in the official paper of the city which shall be sufficient notice to such owner.

Such owner may at any time, within ten days after such notice notify in writing the Council of his election to take such building or improvement or such part thereof at its appraised value, and in such case the amount of such appraisal shall be deducted by the Council from the estimated damages for the building or improvement, and the owner shall have such reasonable time for the removal of such building or improvement, after the confirmation of the assessment, as the Council may allow.

If the owner shall refuse to take the building or improvement at such appraisal, or fail to give notice of his election as aforesaid, within the time prescribed, then no deduction shall be made from the estimated damages aforesaid, and the Council shall, after the confirmation of the assessment and after the money is in the hands of the Treasurer ready to be paid to the owner for his damages, proceed to sell such building or improvement, or part thereof, at public auction for cash, giving ten days' notice of sale by one publication in the official paper, and cause such building or improvement or part thereof to be removed. The proceeds of such sale shall be paid into the city treasury to the credit of the fund chargeable with such improvement.

JOINT OWNERS. LAND SUBJECT TO LEASE.

Section 126. If the land and buildings belong to different persons, or if the land is subject to lease, lot or mortgage, the damages done to such persons, respectively, may be awarded to them by the Council, less the benefits resulting to them, respectively, from the improvement.

DAMAGES, ETC. TO BE ASSESSED UPON REAL ESTATE. BENEFITED.

Section 127. Having ascertained the damages and expenses of such improvement as aforesaid, the Council shall thereupon apportion and assess the same, except such amount, if any, as has been appropriated by the Council in payment of same, together with the costs of the proceedings, upon the real estate and property, it deems benefited by such improvement, in proportion to such benefits, if any be assessable therefor, but in no case shall the amount of such assessment exceed the actual benefit to the lot or parcel so assessed.

ASSESSMENT ROLL.

Section 128. The assessment roll shall contain a brief description of each tract or parcel of property taken, injured or assessed, the name or names of the owners thereof, as far as known to the Council, or if unknown, shall so state and the amount of damages awarded, and benefits, if any, assessed, against each parcel of property. The assessment roll shall show both the total damages awarded and the total benefits assessed, if any. If the whole amount of such compensation and damages awarded, together with the costs of the proceedings, shall exceed the actual benefit to the property subject to assessment, the Council shall so state on such assessment roll.

and shall specify the amount of such excess. The Council shall also note on the assessment roll the total amount included in the assessment to cover the expense of the proceedings.

NOTICE OF COMPLETION OF ASSESSMENT ROLL.

Section 129. When completed, the Council shall cause to be given ten days' notice by one publication in the official paper of the city, to the effect that such assessment has been completed and that at a time and place therein specified, it will hear objections thereto, and that all of such objections must be filed in writing with the City Clerk at least one day prior to the time so specified, and that unless sufficient cause is shown to the contrary, the same will be confirmed.

Said notice shall contain a copy of the assessment roll as completed.

OBJECTION—HOW MADE.

Section 130. All objections shall be in writing and filed with the City Clerk at least one day prior to the time specified in said notice.

Provided, that said Council may, in its discretion, allow any person interested who has inadvertently omitted to file his objections, as aforesaid, to do so at the time fixed for the hearing of said objections named in said notice.

ADJOURNMENT OF PROCEEDINGS.

Section 131. Should the Council not be present at the time and place appointed, the proceedings may be adjourned by the City Clerk, to such other convenient time and place as may be deemed expedient.

NEW NOTICE MAY BE GIVEN.

Section 132. Nothing herein contained shall preclude the Council from causing a new notice as aforesaid to be given, specifying a time and place at which it will hear objections to said assessment, in case the previous notice shall be found imperfect, or in case of the absence of the Council, or for any other reason which shall be satisfactory to the Council for so doing.

COUNCIL TO HAVE POWER TO ADJOURN HEARING AND REVISE ASSESSMENT.

Section 133. The Council shall have power to adjourn such hearing from time to time, and in its discretion to revise and correct the said assessment, and to confirm or set aside the same and proceed to make an assessment de novo.

The assessment when confirmed, shall be corrected to conform to such confirmation, and shall be final and conclusive upon all persons interested therein, and not appealing therefrom.

PROCEDURE AFTER CONFIRMATION OF ASSESSMENT.

Section 134. When said assessment is confirmed, it, together with all affidavits of publication and service of notices connected therewith shall be entered into a book kept for that purpose by the Council. A warrant for the collection of said assessment shall issue as provided in Section 160 in case of other assessments, except said assessment shall not be payable in installments.

NOTICE OF CONFIRMATION OF ASSESSMENTS.

Section 135. As soon as practicable, after an assessment of damages and benefits has been confirmed the Council shall cause a

brief notice by one publication of the fact of such confirmation to be published in the official paper of the city.

RE-ASSESSMENT.

Section 136. If the said assessment shall be set aside by the Council as aforesaid, or by the Court, for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment, and shall proceed in like manner and give like notice as herein required in relation to the first assessment, and all persons in interest shall have like rights and the said Council shall perform like duties and have like powers in relation to any subsequent assessment as are hereby given in relation to the first assessment. Provided, however, that if the assessment of damages or benefits as to any parcel or parcels of land shall not be appealed from, or said assessment thereon shall have been paid, there shall be no re-assessment thereof. As often as an assessment against any piece or parcel of real estate assessed for any local improvement is set aside, the same shall be re-assessed until said property has paid its share of benefits accruing from the said improvement.

APPEAL TO THE DISTRICT COURT.

Section 137. Any person interested in any property taken or damaged in these proceedings, may appeal to the District Court of Pipestone County, from an award of damages or an assessment of benefits, in the same manner as provided for by Section 175, and the sections following in this Charter. Thereupon the City Clerk shall forthwith transmit to the Clerk of said Court, a duly certified copy of all papers and records in his office pertaining to such proceedings, and if more than one appeal be taken, it shall not be necessary to transmit more than one copy.

PART III.

WHERE THERE CAN BE NO ASSESSMENT FOR BENEFITS. PROCEDURE.

Section 138. Whenever, in the condemnation of any property as set forth in Section 113 of this Charter, where there can be no assessment for benefits, all of the proceedings required to be had under Part II of this sub-chapter, shall be had under Part III hereof where there can be no assessment for benefits, except that the Council in the latter case shall in no event make any assessment of benefits. And all the provisions of said Part II of this Chapter shall so far as applicable apply to and be in force hereunder in Part III hereof, to condemn property where there can be no assessment for benefits.

EFFECT OF AWARD.

Section 139. Whenever an award of damages shall be made, confirmed and not appealed from, in any proceedings for the taking of property under this Chapter, or whenever the Court shall render final judgment in any appeal from any such award or from the confirmation thereof, the rights of all parties shall be finally determined thereby, and the same shall constitute a lawful and sufficient condemnation and appropriation to the public use of the land, article, franchise, property, right or thing of value for which damages are so awarded, and every right, title and interest therein and thereto,

and every lien thereon shall be thereby divested, and the city shall become vested with the title, and become the owner of the property taken and condemned absolutely for all purposes for which the city may ever use the same, except that as to lands and rights taken for streets, alleys, and highway purposes the city shall acquire only an easement therein for such purpose; but before entering upon possession of said land or property, the city shall pay the amount of such award with interest thereon at the rate of six per cent per annum from the date of the final award or confirmation thereof or judgment of the Court, as the case may be. 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, or the person damaged refuses to accept the same, the amount so awarded and in doubt or so refused, shall be by the Council appropriated and set apart in the city treasury for whosoever shall establish his right thereto by some judicial proceeding. 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; provided, however, that the Council may by resolution at any time before confirmation of any award of damages made by it, or in case of an appeal within twenty days after final determination thereof, abandon such proceedings and shall thereupon pay the cost thereof.

DESCRIPTION OF PROPERTY TAKEN TO BE RECORDED.

Section 140. Upon the completion of any proceedings, under this chapter, for the acquisition of any property for the city, the Council 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 and paid or to be paid, to each former owner or lien holder thereof, and cause its Mayor and City Clerk to acknowledge the same for the city, and cause the same to be recorded in the office of the Register of Deeds of Pipestone County.

SUB-CHAPTER II. LOCAL IMPROVEMENTS AND ASSESSMENT.

PART I. GRANT OF POWERS.

IMPROVEMENTS, THE COST OF WHICH MAY BE DEFRAYED BY ASSESSMENT.

Section 141. The city is hereby authorized to grade, pave, repave, curb, gutter, wall, bridge, gravel, macadamize, sprinkle, plank, sweep or repair any street, avenue, alley, or highway; to grade, improve, protect and ornament any public park, square, or grounds; to construct, improve and ornament parkways, and grass plats; to plant and protect shade or ornamental trees along its streets and avenues; to construct, lay, re-lay and repair sidewalks, retaining walls, gutters, sewers, and drains, in, over, or under any street, alley or highway; to abate nuisances; to drain marshes, swamps and low grounds within the city when they constitute a nuisance; and the whole or any part of the expense of any such improvement may be subject to the provisions hereinafter contained, defrayed by an assessment upon the real estate benefited thereby, in proportion to such benefits, without regard

to cash valuation, to be determined and levied in the manner hereinafter provided.

COST PAID BY ASSESSMENTS. EXCEPTIONS.

Section 142. The cost of any improvements mentioned in the foregoing section shall be defrayed, save as herein otherwise provided, by an assessment upon the real estate benefited thereby to be levied in the manner hereinafter prescribed; provided, that the construction, re-construction or maintenance of cross walks, over public streets or alleys and sidewalks adjacent to public squares, public grounds and public parks, and the cost of improving or ornamenting public grounds, squares and parks, and the curbing, guttering, paving, repaving, macadamizing and grading of the space occupied by street intersections and the intersections of the alleys with the street, shall be paid out of the appropriate fund or the general fund of the city.

ASSESSMENT OF CORNER LOTS.

Section 143. The Council may, in its discretion, where any lot fronting on two streets has been previously assessed, and the assessment paid, for laying any water or sewer pipe upon a street other than the one in which such proposed improvement is to be extended, remit from the assessment of such corner lot such portion of such second assessment not exceeding the amount of assessment for a frontage of fifty feet on such lot, as it may deem just under all the circumstances of the case.

AMOUNTS ASSESSABLE AGAINST THE CITY, PUBLIC OR EXEMPT PROPERTY.

Section 144. The amounts which would otherwise be assessed against property belonging to the city, public property or property exempt from assessment for local improvements shall be paid out of the appropriate fund or the general fund of the city.

TWO OR MORE IMPROVEMENTS AT THE SAME TIME.

Section 145. Two or more of said improvements, upon one or more streets, may be made at the same time, under one order, and may in that case be included in one contract.

SEWER AND WATER PIPES MAY BE INCLUDED IN CONTRACT AND ASSESSMENT.

Section 146. The Council may, when any contract is let for improving any street, alley or highway within the city, include in such contract, the laying of sewer or water pipes to the curb line, and the cost of the same may be assessed against the lots or parcels of land for which said sewer or water pipes are laid as part of the assessment for such improvement.

PROCEDURE WHERE TWO IMPROVEMENTS ARE MADE AT THE SAME TIME.

Section 147. If two or more improvements are included in one contract, the expense of each improvement shall be separately apportioned and assessed upon the lots and parcels of land benefited by such improvements, in proportion to such benefits, but such two or more improvements may be included in one assessment proceeding.

PART II.

PROCEDURE FOR MAKING ASSESSMENTS.

APPLICATIONS AND PETITIONS FOR IMPROVEMENTS.

Section 148. All applications or propositions for any improvement authorized in section 141 of this chapter, shall be made to or emanate from the Council. If a majority of the owners of the property abutting on any proposed improvement shall petition therefor in writing, the Council shall cause plans and specifications for such improvement to be made and filed in the office of the City Clerk, and shall, when such plans and specifications are so filed, give notice, of the time and place when and where the Council will meet and hear reasons for and against such improvement, which notice shall be published at least once in the official paper, and the last publication shall be at least ten days prior to the time of such meeting. Said notice shall contain a brief description of the improvement and the several tracts of land to be affected thereby. Provided, that the Council by a four-fifths vote of all its members may, without petition, in cases where in its judgment public necessity requires it, cause plans and specifications for such improvement to be made and filed in the office of the City Clerk, and shall give like notice as is required in case of a petition of a majority of the property owners abutting on such improvement.

HEARING.

Section 149. If upon such hearing the Council believe said improvement necessary and proper, they shall order the improvement made and assess the cost thereof on property benefited thereby, provided, that the Council may order a proportion of the cost of said improvement paid out of the appropriate fund, or the general fund.

COUNCIL TO LET CONTRACT AND MAKE ASSESSMENT.

Section 150. When the Council shall determine to make any improvement described in section 141 of this chapter, it shall cause an estimate of the cost of such improvement to be made by the City Engineer. After said estimate is made, the Council shall proceed at once to assess the estimated cost thereof, except that portion to be paid out of the appropriate fund or general fund, on the property to be benefited thereby, in proportion to the benefits resulting thereto, but in no case in excess of such benefits. In making such assessment roll the Council shall describe each parcel of property assessed, and shall state the amount assessed against the same, and state the name of the owner thereof, so far as known to the Council. No mistake in, or omission of such owner's name shall in anywise affect such assessment.

If the work is completed before any assessment is made, or if the amount so assessed shall be insufficient to complete the work, the Council after the completion of said work, may make a final assessment in the same manner to pay the same.

Any assessments paid on account of any improvements ordered to be done by contract, before the contract thereof is let, shall be kept in the permanent improvement revolving fund for such improvement.

ASSESSMENTS AGAINST RAILWAYS OR STREET RAILWAYS.

Section 151. When in any case any portion of the cost of making any improvement mentioned in section 141 shall by virtue of any valid law, ordinance or contract, be chargeable to any railway or street railway company the amount so chargeable may be assessed against such railway company, and the remainder only upon the real estate benefited thereby; and the city may collect the amount so assessed against said railway company by distress and sale of personal property, in the manner provided by the general laws of this state in case of taxes levied upon personal property, or by suit brought to enforce the collection of said assessment as an indebtedness; provided, that any real estate belonging to such railway company and subject to assessment and deemed benefited by said improvement, shall be assessed as in other cases.

NOTICE TO BE GIVEN BEFORE MAKING ASSESSMENT.

Section 152. Before proceeding to make an assessment for any improvement mentioned in section 141, the Council shall give ten days' notice by one publication in the official paper of the time and place when and where it will attend for the purpose of making such assessment, in which notice it shall specify what such assessment is to be for, and the amount to be assessed. The Council shall also give at least four days' notice to the same effect to all property owners interested or person in possession or their agents residing in the city, if known to said Council. The notice required by this section may be made by depositing in the Postoffice a postal card or letter addressed to each property owner to be assessed, or his agent residing in the city, or to person in possession, at least four days prior to the making of an assessment, upon which card or letter shall be either printed or written substantially the notice above specified; but failure to give such personal notice shall in no wise affect the validity of said assessment or of any of the proceedings.

HEARING BEFORE MAKING ASSESSMENT.

Section 153. All persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, and the Council may receive any legal evidence and may adjourn the hearing, if necessary, from time to time, and place to place.

NOTICE OF HEARING. OBJECTIONS. HEARING ASSESSMENT.

Section 154. When the Council shall have completed such assessment, it shall cause like notice to be given of the time and place at which it will hear objections and for the confirmation of such assessments, as hereinbefore required in relation to assessments for the condemnation of real estate, and objections shall be made in like manner and under the same regulations and conditions and all parties in interest shall have like rights, and the Council shall perform like duties and have like power in relation to such assessments as are herein given in relation to assessments for the condemnation of real estate.

ASSESSMENT FINAL AND CONCLUSIVE.

Section 155. When said assessment is confirmed, it shall be final and conclusive upon all parties not appealing therefrom.

NOTICE OF CONFIRMATION.

Section 156. When any assessment of benefits has finally been confirmed by the Council, it shall forthwith cause a brief notice of the fact of such confirmation to be published once in the official paper.

ASSESSMENTS PARAMOUNT LIEN.

Section 157. All assessments levied under the provisions of this Charter shall be a lien on the real estate upon which the same may be imposed, from the date of the confirmation of such assessment, and of equal rank with the lien of the state for taxes which have been or may be levied upon said property under the general laws of the state; and the general rules or law as to priority of tax liens shall apply equally to the liens of such assessments and to such liens for general taxes, with the same force and effect as though all of the liens aforesaid and all of the taxes and assessments aforesaid were of the same general character and imposed for the same purpose and by the same authority without regard to priority in point of time of the attaching of either of said liens, and a sale or perfecting title under either shall not bar or extinguish the other.

CITY CLERK SHALL KEEP RECORD OF ALL ASSESSMENTS.

Section 158. The City Clerk shall keep in his office, in books provided for that purpose, a correct record of all assessments, confirmed by the Council; the said books to be properly ruled and headed so as to contain at all times a substantial description and history of each assessment on each lot and parcel of ground, whether payable in installments, as hereinafter provided, and whether paid to the city or county treasurer or whether remaining unpaid.

ASSESSMENTS PAYABLE IN INSTALLMENTS.

Section 159. When such assessment is fully completed and has been confirmed and established, the Council shall by resolution in writing, provide the manner in which such assessment shall be paid.

THE COUNCIL MAY BY SUCH RESOLUTION PROVIDE:

(1) That such assessment shall be paid within thirty days from the date of the notice provided by Section 162;

(2) That such assessment may be paid in any manner as provided by the Statutes of the State of Minnesota as in such case made and provided;

(3) That the owner, or any person interested in any lot or parcel so assessed and described in such assessment may at his election and written request pay the same in six annual installments. If paid in installments, each of said installments shall bear interest at a rate to be determined by said resolution, not exceeding six per cent per annum, from the expiration of thirty days after the publication of the notice provided in Section 162 of this Charter.

WARRANT FOR ASSESSMENT.

Section 160. When any special assessment shall be confirmed and established by the Council as herein provided for, it shall be the duty of the City Clerk to issue a warrant for the collection thereof.

which shall be under the seal of the city and signed by the Mayor and City Clerk, and shall contain a printed or written copy of the assessment roll as confirmed, or so much thereof as describes the real estate and the amount of the assessment in each case. Said warrant shall also include a copy of the resolution passed by the Council as provided in Section 159 of this Charter.

WARRANT DELIVERED TO CITY TREASURER.

Section 161. All warrants issued for the collection of any special assessment by the city as herein authorized, shall be delivered by the City Clerk to the City Treasurer as soon as practicable after the said assessment has been confirmed and established. The City Clerk shall in each instance take a receipt for such warrant and place the same on file.

TREASURER TO ORDER NOTICE ON WARRANT.

Section 162. Upon the receipt of any warrant for the collection of any special assessments, the City Treasurer shall forthwith give notice by one publication in the official newspaper that such warrant is in his hands for collection, briefly describing its nature, the improvement for which the assessment was made, and the territory embraced in such assessment. Such notice shall require all persons interested to make payments within thirty days from the date of such notice. If said assessment is payable in installments, such notice shall state the manner in which such installments are payable. If payable in the manner provided in Sub-Division (3), Section 159, said notice shall also state that the owner, or any person interested in any lot or parcel of land so assessed and described in such assessment, may at his election and written request, pay the assessment in six annual installments.

NOTICE OF ELECTION BY PROPERTY OWNERS.

Section 163. If said assessment is payable in installments in the manner provided by Sub-division (3), Section 159, any person desiring to pay such assessment in installments, as a condition precedent to the exercise of such right shall, within thirty days after the publication of the notice provided for in the preceding section and before such assessment becomes delinquent, make and file with the City Treasurer in duplicate, written notice of his election to pay such assessment in annual installments, recognize and assent to the regularity of said assessment, and at the same time, pay the first installment then due and payable; upon failure to file such notice and pay such first installment, the whole of such assessment shall be due and payable the same as though no extension of time for payment had been provided for.

Upon the filing of such notice by any person interested, the City Treasurer shall divide the said assessment into proper installments, and make record of the same and transmit one of such duplicate notices to the City Clerk, who shall note such fact in his record book of assessments.

The Council may at any time after an assessment becomes delinquent and before the same is certified to the County Auditor, upon the written application of the owner, and upon such terms as may be equitable, waive the neglect to so elect within the proper time,

and permit any assessment which has become delinquent to be paid in installments as hereinbefore provided.

ELECTION-WAIVER OF DEFECTS.

Section 164. Any person making an election to pay in installments as provided in Section 163, his heirs, personal representatives or grantees, of any lot or parcel of land as to which an extension has been granted, shall be held to have recognized and assented to the validity and regularity of said assessment, and of all proceedings had thereon prior to the granting of said application, and shall thereby forever be estopped from denying the validity of said assessment or the amount thereof.

INSTALLMENTS, WHEN DUE.

Section 165. The time for the payment of installments and interest, and for the enforcement of the same against the property, affected by the assessment, shall be extended so that the several amounts shall become payable as follows:

The first installment within thirty days after the publication of the City Treasurer's notice provided in Section 162 of this Charter.

The second installment together with interest on same and on all future installments on October 1st, of the succeeding year.

The third installment together with interest on same and on all future installments on October 1st, of the following year, etc.

Each installment together with interest as aforesaid excepting the first shall be due and payable at the office of the City Treasurer on the first of October of the year when payable.

RETURN OF CITY TREASURER TO CLERK OF DELINQUENT ASSESSMENTS.

Section 166. If the assessment charged in any special assessment warrant made for any improvement, or the first installment thereof, shall not be paid within thirty days after the publication of said notice by the City Treasurer, and the owner or person interested in the lot or parcel so assessed has neglected to make and file the notice of election and make the first payment as provided by Section 163, the City Treasurer shall return to the City Clerk, a list, duly certified, of the assessments which still remain unpaid, giving in such list the description of the several lots and parcels on which the assessments have not been paid, with the names of the respective owners thereof, if known, and the several amounts assessed therefor.

CITY CLERK TO TRANSMIT LIST TO COUNTY AUDITOR.

Section 167. The City Clerk shall on or before the first day of November, following, cause a statement of the amount of said delinquent assessments, except assessments that have been appealed to the District Court as hereinafter provided, with six per cent annual interest thereon computed from the time said assessments became delinquent to the first day of October, of the year next following the making of said assessments, added thereto, with a description of the several lots and parcels of land on which the same are made, and the names of the respective owners thereof, if known, to be certified to the Auditor of Pipestone County. It shall be the duty of the said Auditor to enter the several amounts of said unpaid assessments and interest as aforesaid upon the tax duplicate of the County, at the

time said duplicates are made up, and the same for each year ending November first, shall be carried to 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 under and in accordance with the provisions of the general laws of the State. Such assessments when collected shall be paid over by the County Treasurer to the City Treasurer.

The same penalties and interest shall attach and be collected by the County Treasurer on assessments as upon general taxes, which penalties and interest shall belong to the city and be turned over by said Treasurer to the City Treasurer with the assessments.

INSTALLMENTS NOT PAID WHEN DUE.

Section 168. If any installment and interest is not paid when due on the first day of October of each year, together with interest to that time on all future installments of the same assessment, the City Treasurer shall add a penalty of five per cent to the total amount thus delinquent and certify the same to the City Clerk, as a special tax on said property. The City Clerk shall thereupon certify the same to the Auditor of Pipestone County, in the same manner at the same time as in case of other delinquent assessments. The County Auditor upon receipt thereof, shall enter and carry out the same upon the proper tax duplicates of the County in the same manner as in other cases of unpaid assessments, certified to him under the provisions of this Charter, and the same shall thereupon be collected and payment thereof enforced the same as other taxes on real estate are collected and enforced and when collected, together with any penalties and interest on same, be paid over to the City Treasurer.

INSTALLMENTS MAY BE PAID BEFORE DUE.

Section 169. Any person or persons interested in any land against which an assessment has been levied, may, after such assessment has been divided into installments, pay one or more of the installments at any time before maturity upon the payment of thirty days interest in addition to the interest which has been already accrued.

INSTALLMENTS PARAMOUNT LIEN.

Sec. 170. Every installment, the time of payment of which has been extended, shall constitute and continue to be a paramount lien in favor of the city and against the lots or parcels of land as to which said extension is granted, for the amount so extended for each lot or parcel until the same is fully paid.

INFORMALITIES.

Section 171. No assessment shall be set aside or held invalid by reason of any informality in the proceedings prior to the entry thereof on the tax list by the Auditor of Pipestone County, as hereinbefore required, unless it shall appear that by reason of such informality or irregularity substantial injury has been done to the person or persons claiming to be aggrieved.

NEW ASSESSMENT. WHEN.

Section 172. If for any cause the proceedings of the Council or any of its officers, be found irregular or defective, whether such de-

fects are jurisdictional or otherwise, the Council may make a new assessment as often as need be, upon all real estate benefited on which no payment has been made for said improvement until the full amount of all benefits assessed have been realized from the real estate benefited by such improvement.

POWER TO PURCHASE PROPERTY OR TAKE ASSIGNMENT OF LIENS.

Section 173. In order to protect the lien of the city on special assessments, the Council shall, whenever necessary, have power to purchase any lot or parcel of land at any tax sale or take an assignment of any lien on same against which the city has a lien for special assessment, and may sell and assign any such lien held by the said city, and otherwise take such action as will protect the interests of the city.

COUNCIL MAY ISSUE WARRANTS.

Section 174. The Council is hereby authorized in anticipation of the levy, and collection of such assessment, whether divided into installments or not, to issue warrants on the permanent improvement revolving fund, payable at such times, and in such amounts as in the judgment of the Council the said assessments will provide for, which warrants shall bear interest at a rate not exceeding six per cent per annum, payable annually, on the fifth day of October, and may have coupons attached representing each year's interest. Such warrants shall be non-assessable and shall state upon their face for what purpose they are issued, and that they are payable out of the permanent improvement revolving fund, and shall be signed by the Mayor and counter-signed by the City Clerk under the seal of the City, and be in denominations of not more than one thousand dollars each. Such warrants may be used in making payments on contracts for making the improvements for which the assessments are made, or may be sold for cash, at not less than par value thereof, and the proceeds thereof credited to the permanent improvement revolving fund, and used for paying for the said improvement. It shall be the duty of the City Treasurer to endorse on each warrant issued as aforesaid, on presentation to him, the Postoffice Address of the owner, and in case of assignment of any such warrant, the holder shall present the same to the City Treasurer for endorsement of the Postoffice Address of such assignee. The City Treasurer shall keep a proper record of the Postoffice Addresses of the holders of all warrants issued as aforesaid. It shall be the duty of the City Treasurer to pay such warrants and interest coupons as they mature and are presented for payment, out of the fund on which they are drawn and to cancel the same when paid. Any indebtedness created by the issuance of any such warrants, shall not be deemed a part of the total indebtedness of the city, which the city is hereinbefore forbidden to incur to exceed five per cent of the total value of the taxable property in such city according to the last preceding assessment for city purposes.

Every warrant issued as aforesaid shall contain the following proviso:

"The City of Pipestone reserves the right to pay this warrant

and accrued interest at any time upon giving the holder thereof thirty days' notice."

Whenever there are funds in the permanent improvement revolving fund that may be properly applied to the payment of any such outstanding warrant, it shall be the duty of the City Treasurer to notify the holder of such warrant that there is money in the city treasury for the payment of the same. Said notice may be given by mail addressed to the last known Postoffice Address of the owner of said warrant, and if such address is unknown, such notice shall be addressed to such person at Pipestone, Minnesota. Proof of such mailing shall be made by the affidavit of the person mailing the same, and shall state the time and manner of mailing and how each notice was addressed, and such affidavit shall be filed and preserved in the office of the City Treasurer. Said warrant shall draw no interest after thirty days from the mailing of said notice.

APPEAL TO THE DISTRICT COURT.

Section 175. Any person interested in any property assessed under this charter, for benefits resulting from any improvement may appeal from such assessment to the District Court of Pipestone County, within thirty days after the publication of the notice provided for in Sections 156, 135, 196 and 208 of this Charter.

APPEAL. HOW MADE. PROCEDURE ON APPEAL.

Section 176. Said appeal shall be made by filing a written notice with the City Clerk, stating that appellant appeals to the said District Court from said assessment and containing a description of the property of said appellant so assessed and the objection of said appellant to such assessment, and by filing with the Clerk of the said Court within ten days thereafter, a copy of said notice of appeal. To render an appeal effectual for any purpose, a bond shall be executed by the appellant to the city, conditioned that appellant shall pay all costs and charges which may be awarded against him on the appeal, not exceeding the penalty of the bond which shall be in the sum of Two Hundred Dollars. Said bond shall be approved by the Municipal Judge of the city and filed in the office of the Clerk of the District Court. In case of an appeal, it shall be the duty of the City Clerk forthwith to prepare and deliver to the appellant a copy of the assessment roll as confirmed; it shall be necessary to include in said copy only those pages of said roll which are pertinent to the property involved in such appeal, which copy shall within fifteen days after the taking of such appeal be filed by the appellant in the office of the Clerk of said court. The District Court may for good cause shown, grant further time for filing such certified copy, or may, when necessary, require a further return to be made. The Cause shall be entered by the Clerk in the name of the person taking such appeal against the City as an "Appeal from Assessments," and may be brought on for hearing by either party and shall have the preference in order of trial over all civil cases pending in said court.

PROCEDURE IN DISTRICT COURT ON APPEAL.

Section 177. Such appeal shall be tried by the Court without a jury, except that in condemnation proceedings either party may demand a jury trial, at a general or special term, without pleadings other

than as above stated. Upon such trial appellant can make no other objections to said assessment than those stated in his notice of appeal, but the Court, may, in its discretion permit such notice to be amended in this respect at any time. The Court shall hear such competent evidence as may be offered by either party, and may revise, correct, amend, increase, reduce or confirm the assessment appealed from, or may order a new assessment to be made as to the property concerning which such appeal is taken, and in that event shall direct the Council how to make such new assessment so as to avoid the errors complained of.

The Court shall not dismiss the appeal, nor confirm or annul the assessment on the ground, that only a portion of the assessment roll has been returned, but either party may introduce the whole of said roll in evidence, and the same shall in all cases, whether on said appeal or otherwise, and in all courts, be prima facie evidence of the validity of all proceedings up to and including the confirmation of the assessment.

Disbursements and costs, except statutory costs, may in the discretion of the court, be allowed on appeal as in other civil cases, but any judgment entered therefor against the city shall be paid out of the general fund. From the determination of said appeal by the District Court, either party may appeal to the Supreme Court of the state.

COPY OF ORDER SENT TO THE CITY TREASURER PROCEEDINGS.

Section 178. It shall be the duty of the Clerk, of the District Court within twenty days after such order is filed by the Court, to make a copy of the order made by the Court in said proceedings and deliver the same to the City Treasurer. Unless the Court orders a new assessment, the City Treasurer shall certify the assessments mentioned in said order of the District Court to the City Clerk in the same manner as other delinquent assessments are certified. And if the Court orders a new assessment, the City Treasurer on receipt of the copy of the order from the Clerk of the District Court as aforesaid shall immediately transmit the same to the City Clerk, and the Council shall thereupon proceed to make a new assessment.

RE-ASSESSMENT.

Section 179. If said assessment shall be set aside by the Court for any cause, jurisdictional or otherwise, the Council shall proceed de novo, to make a new assessment and it shall proceed in like manner and give like notice, as herein required, in relation to the first assessment and all persons in interest shall have like rights and the said Council shall proceed in any subsequent assessment, as in case of the first assessment.

Provided, that if the assessment of benefits to any tract of land shall not be appealed from or shall not have been set aside by the Court, the Council, in any subsequent assessment or re-assessment may omit the tract of land as to which the first assessment shall not have been set aside or appealed from, or on which said assessment shall have been paid; and as often as an assessment or re-assessment against any tract of real estate assessed for any local improvement is set aside, the same

shall be re-assessed until said property shall have paid its proper share of benefits accruing from the said improvement.

COLLECTION OF ASSESSMENTS LEVIED BEFORE THIS CHARTER GOES INTO EFFECT.

Section 180. All assessments made by the city prior to the time this Charter goes into effect, shall be collected and the lien thereof enforced in the same manner and under the same provisions of law that they would have been collected under and lien thereof enforced if this Charter had not been adopted.

SUB-CHAPTER III.

MAKING OF IMPROVEMENTS.

SIDEWALKS. STREET SPRINKLING.

PART I.

MAKING OF IMPROVEMENTS.

PROVISIONS OF CHAPTER X.

Section 181. Except as herein otherwise provided the provisions of Chapter X shall apply to contracts mentioned in this chapter in like manner as to other contracts of the city.

PLANS, PROFILES AND SPECIFICATIONS TO BE MADE.

Section 182. Whenever any public improvement shall be ordered made for which an assessment is to be made as aforesaid, the Council shall cause a plan or profile of the work proposed, together with specifications for the doing of the same to be prepared by the City Engineer which shall be deposited with the City Clerk and kept at all times open for public inspection. The Council shall, after making and filing of said plans, profiles and specifications, cause proposals for doing such work to be advertised for in the official paper of the city.

BIDS.

Section 183. The bids for doing such work shall be directed to the Council and shall be sealed in such manner that they cannot be opened without detection.

BIDS TO BE OPENED.

Section 184. Said bids shall be publicly opened by said Council at the time specified in the notice inviting proposals.

BIDS TO BE LET TO LOWEST BIDDER.

Section 185. All contracts shall be awarded to the lowest reliable and responsible bidder complying with the foregoing requirements. Provided however, that the Council may reject any bids which it shall deem unreasonable, or unreliable, and the Council in determining the reliability of a bid, may consider the question of the responsibility of the bidder, and his ability to perform his contract without any reference to the responsibility of the sureties on his bond; provided, that in case the Council shall deem all such bids unreasonable, it may re-advertise for proposals; provided further that the Council may reject all bids for contract work made by any person or persons who shall have defaulted in any contract awarded by the city, except as to time, or who shall have refused to enter into a contract after the same shall have been awarded to him or them.

RIGHT TO SUSPEND WORK.

Section 186. The right shall be reserved in said contract, to the City Engineer, with the consent of the Council, in case of improper construction, to suspend the work at any time, or to order the entire re-construction of the same if improperly done.

ESTIMATE.

Section 187. In the course of the proper performance of the contract, the Council may from time to time not oftener than once a month, as the work progresses, allow to the contractor estimates of the amount already earned, less fifteen per cent thereof, which, when ordered paid by the Council shall entitle said contractor to receive the amount so allowed out of the money applicable to the payment of such work. When the work has been completed by the contractor to the satisfaction of the Council and the City Engineer, the balance due may be audited and allowed by the Council.

CITY COUNCIL TO COMPLETE WORK.

Sec. 188. If, in the opinion of the Council, any work under contract does not progress each month so as to insure its completion within the time named in the contract, the Council and City Engineer shall have power to furnish and use men and material to complete the work and charge the expense thereof to the contractor, and the same shall be deducted from any moneys due or to become due such contractor or may be collected from him or the sureties on his bond in a suit by the city.

PROPERTY OWNERS MAY CONSTRUCT STREETS.

Section 189. Property owners shall be allowed to construct streets and public improvements upon or through their own property at their own expense in such cases and upon such terms and regulations as the Council may prescribe by resolution.

PART II.

SIDEWALKS.

PLANS AND SPECIFICATIONS.

Section 190. The Council shall by resolution adopt and cause to be filed for inspection in the office of the City Clerk, general plans and specifications to apply to and govern the building, relaying and repairing of all sidewalks in the city.

From time to time in each year, the Council shall cause invitations for bids to be published in the official paper in the same manner and for the same length of time as is required in the case of other public improvements, for building, laying and repairing all sidewalks that may be ordered by the Council. The bids therefor shall be received and opened, contract let, and bond given in the same manner as provided in this chapter for other public improvements.

GRANT OF POWERS. DUTIES OF OWNERS.

Section 191. The Council shall have the right to cause to be constructed, sidewalks, along any of the public streets and highways of the city that it may deem necessary, and cause the same to be relaid, repaired or removed when necessary, and it is hereby made the duty of all owners of land adjoining any street or highway to construct, relay or repair or remove such sidewalk along the side of the street or high-

way next to the land of such owners respectively as may be ordered by the Council and according to the plans and specifications adopted therefor.

HOW ORDERED.

Section 192. Whenever the Council shall deem it necessary that any sidewalk in the city shall be built or relaid, it shall by resolution, direct such building or relaying, according to the plans and specifications adopted therefor.

The publication of such resolution once in the official paper shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each, along his respective land construct and fully complete such sidewalk within thirty days after the publication of such resolution, the Council shall forthwith proceed to build or re-lay the same by contract as hereinbefore provided, under the direction of the City Engineer.

REPAIR OF SIDEWALKS.

Section 193. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the superintendent of the department of streets and alleys to immediately repair the same in a good and substantial manner and to report to the Council the cost of such repairs in each case, with a description of the lot or parcel of land abutting upon the sidewalks on which such repairs are made, and such reports shall be carefully filed and preserved by the City Clerk.

NOTICE OF MAKING ASSESSMENT.

Section 194. The said Council shall give ten days notice by one publication in the official paper to the effect that at a certain time and place, it will proceed to make an assessment for constructing, relaying and repairing said sidewalks. Said notice shall briefly describe the location and nature of said improvement by streets.

ASSESSMENT TO WHAT AMOUNT AND ON WHAT PROPERTY.

Section 195. The Council shall assess the amount, as nearly as it can ascertain the same, which will be required to defray the cost of such improvement including the necessary expenses of making and collecting such assessment upon the real estate or lots of land benefited by said improvement to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 196. When said assessment is completed, the Council shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless sufficient cause is shown to the contrary, and that objection must be filed one day before the time specified in said notice with the City Clerk. The Council shall proceed on the hearing in the same manner and shall have the same power to revise, correct and confirm or set aside such assessment or to proceed de novo as in cases of other assessments.

ASSESSMENTS. FINAL AND CONCLUSIVE.

Section 197. Said assessment when confirmed shall be final and conclusive, unless appealed from as provided by Section 175, and the sections following of this charter, and shall be collected and enforced

as other assessments made under Part 1 of Sub-chapter II of Chapter XIV of this Charter. In case of an appeal, said appeal shall not delay or affect the collection of the assessment, except as to the property appealed from. Council may complete or re-let Contract.

Section 198. Whenever the contractor shall fail to build, repair or relay any sidewalk within the time designated by the Council or in any other respect fails to comply with the terms of his contract the Council shall have power to furnish and use man and material to complete the work and charge the expense to the contractor, and the same shall be deducted from any money due or to become due such contractor or may be collected from him or his sureties by suit, or the Council, may advertise for bids for the completion of the incompleting part of said contract, and let the contract in the same manner as hereinbefore provided in case of the original contract. The decision of the Council that said contractor has failed to comply with said contract shall be final and conclusive as between said contractor and the city, and the defaulting contractor and his sureties shall be liable to the city for all damages resulting from his failure to perform such contract.

ESTIMATES ON CONTRACT.

Section 199. In case the contractor shall properly perform his contract, the said Council may, from time to time, not oftener than once a month as the work progresses, allow the contractor estimates of the amount already earned, less fifteen per cent thereof, which may be paid out of the moneys applicable to said work.

PART III.

STREET SPRINKLING.

SPRINKLING DISTRICTS.

Section 200. The Council may divide the city into sprinkling districts without reference to ward lines. Said districts shall be designated by numbers as follows to-wit:

Sprinkling district number one, sprinkling district number two, etc.

PROPOSALS TO BE ADVERTISED.

Section 201. The Council may each year cause proposals to be advertised for, in the official paper, in the same manner as in the case of other public improvements, for the sprinkling of the streets, avenues, alleys, parks or other public grounds or any part thereof, in each and all of said sprinkling districts which may be ordered sprinkled by the Council.

PLANS AND SPECIFICATIONS.

Section 202. General plans and specifications applicable to all sprinkling that may be ordered by the Council shall be made and filed with the City Clerk at least ten days before the day named for the receipt of said proposals.

CONTRACT—HOW LET.

Section 203. Sprinkling contracts shall be let and made in the same manner as provided for in cases of local improvements.

COUNCIL MAY ORDER SPRINKLING. WHEN?

Section 204. The Council may order sprinkling to be done when-

ever and wherever it deems the public interest or sanitary or other causes require.

PROCEDURE AFTER SPRINKLING IS ORDERED TO BE DONE.

Section 205. Whenever the Council shall order any sprinkling to be done, it shall cause the sprinkling contractor to be notified thereof and such sprinkling to be done, and it shall be the duty of the superintendent of the department of streets and alleys to cause such sprinkling to be duly inspected and to be done in accordance with the contract, and report the fact to the Council, who shall cause an assessment to be made for said sprinkling in the manner hereinafter provided.

NOTICE OF ASSESSMENT FOR SPRINKLING.

Section 206. On the first day of September of each year or as soon thereafter as practicable, the Council shall give at least ten days notice by one publication in the official paper, to the effect that at a certain time and place it will meet to make an assessment for sprinkling. Said notice shall briefly describe the location of the streets sprinkled, by streets and districts.

ASSESSMENTS. ON WHAT PROPERTY MADE.

Section 207. The Council shall assess the amount as nearly as possible which will be required to defray the cost of such sprinkling including the expense of assessment upon the real estate benefited to the amount of such benefit.

NOTICE OF CONFIRMATION OF ASSESSMENT.

Section 208. When said assessment is completed, the Council shall give ten days notice by one publication in the official paper, to the effect that at a time and place therein specified, said assessment will be confirmed unless cause is shown to the contrary; and that objections must be filed at least one day before such time, with the City Clerk; such objections shall be made and filed in the same manner and the Council shall proceed in hearing the same, and shall have the same power to revise, correct, confirm or set aside such assessment, and proceed de novo, as in case of other assessments for local improvements.

ASSESSMENTS. FINAL AND CONCLUSIVE.

Section 209. Said assessment, when confirmed, shall be final and conclusive unless appealed from as provided by Section 175 and the following sections of this Charter, and shall be collected and enforced as other assessments made under Part I of Sub-chapter II of Chapter XIV of this Charter, provided, a reference in the City Treasurer's notice to the number of the sprinkling district for the sprinkling of which such assessment has been made, shall be deemed a sufficient reference to the territory embraced in such assessment, and provided further, that said assessment shall not be divided into installments.

In case of an appeal, said appeal shall not delay or affect the collection of the assessment, except as to the property appealed from.

RIGHT OF CITY IN CASE OF DEFAULT OF CONTRACTOR.

Section 210. In case the contractor shall in anywise fail to perform his contract, the Council is hereby empowered to do every act relative to such contract and contractor as in case of a similar default by a contractor for the construction of a sidewalk, with like result to such contractor and his sureties.

SPRINKLING BY CITY—ASSESSMENT.

Section 211. Nothing herein contained shall prevent the Council from purchasing the necessary tools, equipment and material and sprinkling any street, highway, public place or sprinkling district in the city, and making assessments for said sprinkling as hereinbefore provided. Providing, however, the Council may pay fifty per cent of the assessment for said sprinkling out of the general funds of the city.

CHAPTER XV.

WATER WORKS.

POWER OF COUNCIL.

Section 212. The Council shall have power to maintain the water works now established, and to enlarge, extend and improve the same or contract for a new system of water works at any time when public necessity demands.

WATER MAINS AND PIPES. WHERE LAID.

Section 213. The Council shall have the right to lay water mains and pipes in any and all streets, alleys, highways and public grounds in or outside of the city.

CHAPTER XVI.

VACATING STREETS AND ALLEYS.

POWER OF COUNCIL.

Section 214. The Council shall have exclusive power to vacate or discontinue public streets, alleys or highways or any portion thereof in the city, but no such vacation or discontinuance shall be granted or ordered by the Council, except upon the verified petition in writing of one or more of the owners of real property on that portion of such street, alley, or highway proposed to be vacated. Such petition shall state the reason for such vacation, and briefly describe the street, alley or portion thereof desired to be vacated. The Council upon presentation of such petition at any special or regular meeting may thereupon order such petition to be filed with the City Clerk, who shall immediately make and publish in the official paper a notice for the period of two successive weeks, at least once in each week, stating that such petition has been filed with the City Clerk and its object in brief, and that such petition will be heard and considered by the Council at a time and place specified therein, which time and place shall be fixed by the Council at the time of the acceptance of such petition, and the time of hearing such petition shall be at least ten days after the last publication of said notice.

HEARING.

Section 215. The Council at the time and place appointed shall investigate and consider the subject involved in said petition, and may view the premises and shall hear all testimony offered for or against said petition.

ORDER OF COUNCIL.

Section 216. The Council after hearing such petition may by resolution passed by a four-fifths vote of its members grant the prayer of the petition and order and declare such street, alley or highway vacated and discontinued.

PUBLICATION OF RESOLUTION.

Section 217. Upon the passage of such resolution and the approval thereof by the Mayor as in other cases, and upon the same being countersigned by the City Clerk, it shall be published once in the official paper of the city.

COPY OF RESOLUTION TO BE FILED WITH THE REGISTER OF DEEDS.

Section 218. A copy of such resolution duly certified to by the City Clerk to be a true copy, shall immediately after such publication be filed with the Register of Deeds of the County of Pipestone and duly recorded in his office.

CHAPTER XVII.

LIABILITIES FOR CAUSING DEFECTS IN STREETS.

Section 219. All persons who shall cause or maintain any obstruction, excavation or defect in any street, alley, bridge, sidewalk, thoroughfare or public ground of the city by means of which a claim for damages shall arise against the city, shall be liable for such damages to whomsoever shall be entitled to recover the same from the city; and no action for such damages shall be brought or maintained against the city unless such person or persons shall be joined as defendants; and in case of judgment against the defendants in such action, execution shall issue only against the defendant causing such deficiency, and the city shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied; and if the city shall pay such judgment it shall become the owner thereof, and may enforce payment of the same from the other defendants, and shall be entitled to execution thereon against them and to take such other proceedings as judgment creditors are entitled to take.

SUMMONS PUBLISHED IF CO-DEFENDANT IS A NON-RESIDENT.

Section 220. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street, alley, bridge, sidewalk, thoroughfare, or public ground, and any such party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant upon like evidence and in like manner as prescribed by general laws for service by publication in other actions.

ACTION AGAINST THE CITY FOR DAMAGES. NOTICE.

Section 221. No action shall be maintained against the city on account of any defect in any street, road, bridge, sidewalk, public utility or other public place, or by reason of the negligence of its officers, agents or servants, unless such street or highway upon which said injury happened is actually open, used and traveled by the public as a street or highway, nor unless the person claiming to have sustained such injury or loss, or his lawful representative, shall within thirty days, or if the alleged injury shall have resulted in the death or insanity of the person injured, then within sixty days after the happening of such injury or loss present his claim for compensation, damages or other relief on account thereof to the Council in writing; stating the

time when, the place where, and the circumstances under which such injury or loss occurred, and the amount of compensation or the nature of the relief demanded from the city, and give said Council ten days time after such claim is presented, within which to decide upon the course it will pursue with relation to such claim; nor shall any such action be maintained unless the same shall be commenced within one year after the happening of such alleged injury or loss.

NOTICE BY THE CITY OF DEFECT.

Section 222. In the prosecutions of actions against the city for personal injuries growing out of defective or improperly constructed highways, bridges, culverts, streets, alleys, sidewalks, or public utilities, it shall be necessary in order to maintain said action for the plaintiff to allege and prove that the defect or want of repair complained of existed for more than ten days immediately prior to the time of the happening of the injury, or that said city had actual notice and knowledge of such defect or want of repair at the time such injury happened.

CHAPTER XVIII.

JUSTICE AND MUNICIPAL COURT.

COURTS OF JUSTICE OF THE PEACE.

Section 223. The official names and titles of the Justices of the Peace of the city shall be City Justices; under this name and by this title they shall do and perform all the acts, and be vested with all the jurisdiction, rights, powers, and privileges of Justices of the Peace of the county under the Constitution and laws of the state; provided, however, that no city justice shall have jurisdiction of any offenses committed within the limits of the city, but such offenses, otherwise cognizable by Justices of the Peace, and those arising under the Charter, Ordinances, By-Laws of the city shall be examined or tried by the Municipal Court.

MUNICIPAL COURT.

Section 224. The Municipal Court shall do and perform all of the acts, and be vested with all the jurisdiction, rights, powers, and privileges of Municipal Courts under the Constitution and laws of the state and shall have exclusive jurisdiction of all offenses committed within the limits of the city, otherwise cognizable by Justices of the Peace, and those arising under the Charter, Ordinances, By-Laws, Rules or Regulations, made or adopted under or by virtue of this Charter, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty under any By-Law, Ordinance or Regulation of the city or its Charter, and in all cases of offenses committed against the same: Provided, that in the absence or disability of a Judge of such Court the Mayor of the city may designate some City Justice or any Justice of the County to sit in his place from day to day: Provided further, that all persons committed upon sentences or in the default of the payment of a fine may be kept at hard labor upon the public improvements of the city, or otherwise, for a term not exceeding ninety days as provided by the laws of the state.

CONDUCT OF LEGAL PROCEEDINGS.

Section 225. The City Attorney, when called upon by the Court,

shall prosecute, in behalf of the city, all criminal cases, arising from violations of the provisions of this Charter and the ordinances of the city. He shall attend to all suits and proceedings in which the city may be legally interested, provided, that the Council shall have control of all litigation of the city, and may employ other attorneys to take charge of any litigation or assist the City Attorney therein.

PROCESS AGAINST THE CITY. HOW SERVED.

Section 226. Service of summons, process or notice in any action or proceeding against the city may be made by leaving a copy thereof with the City Clerk and it shall be the duty of the City Clerk to forthwith inform the City Attorney thereof, who shall take such other proceedings as may be needful to defend the interests of the city.

WARRANTS.

Section 227. In all prosecutions for the violation of the laws of the state, the provisions of this Charter, or the ordinances of the city, the first process shall be by warrant, provided that no warrant shall be necessary in the case of arrest of any person while in the act of violating any such law, provision of the Charter or ordinance of the city; and the person or persons so arrested shall be proceeded against in the same manner as if the arrest had been by warrant.

POWER OF POLICE OFFICERS.

Section 228. The Chief of Police and all regular or temporary police officers shall possess the powers of constables at common law and under the statutes of this State, and in addition thereto shall have the power to serve and execute any warrant, summons, commitment, writ, subpoena or process issued out of the Justice or Municipal Court, shall have authority to pursue and arrest in any part of the state beyond the limits of the city any person charged with any violation of any law, ordinance of the city or any offense or crime within the limits of the city. Provided, that no such officer shall have power to arrest without a warrant, except in cases in which arrest without a warrant are authorized by the general laws of the state or this Charter; and the violation of any city ordinance shall be deemed a public offense.

PUNISHMENT OF OFFENSES.

Section 229. Every act or omission to act which, under this Charter or the ordinances and regulations of the city is or shall be made a misdemeanor or subject to punishment, shall be, if the punishment is not otherwise prescribed, punishable by imprisonment for not more than ninety days or by a fine of not more than one hundred dollars.

ACTIONS ON BEHALF OF CITY.

Section 230. All actions brought to recover any penalty, or forfeiture under this Charter, or the ordinance or by-laws or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

NOT INCOMPETENT.

Section 231. No person shall be an incompetent judge, witness or juror, by reason of his being an inhabitant of the city, in any proceeding or action in which the city shall be a party in interest.

STATE OFFENDERS.

Section 232. The City shall not be liable in any case for the

board or jail fees of any person who may be committed by any officer of the city or any magistrate to the jail of Pipestone County for any offense punishable under the State laws.

DEFINITIONS OF MISDEMEANOR.

Section 233. The term "misdemeanor" as used in this Charter, shall mean a violation of this Charter, or of any ordinance, of which the Municipal Court shall have jurisdiction.

CHAPTER XIX.

MISCELLANEOUS.

CITY CLERK.

Section 234. The City Clerk shall have the power to administer oaths and affirmations, and to take and certify acknowledgements of deeds and other instruments in all cases in which the same are required or sanctioned by law.

PARKED PART OF STREETS.

Section 235. The Council shall have power to provide by ordinance that the parked part or grass plot of any street shall be graded and covered with sod or seeded with grass to be maintained and the grass to be properly cut by the occupant or owner of the abutting property, and in case of the neglect of the occupant or owner to so do, that the same may be done by the city at the expense of the abutting property, and that said expense be collected by assessment in the same manner as assessments for laying and repairing sidewalks are collected.

INSPECTION OF RECORDS.

Section 236. All records, books, and papers pertaining to the business of the city, or any department thereof, shall be public and open to the inspection of any citizen of the city at all reasonable times and places.

APPROVAL OF PLATS.

Section 237. The Council shall have the sole power to accept and approve all plats of property within the city, and to prescribe the width and location of streets and alleys required in such plats. The Council shall have the power to require the owners of unplatted property to make such improvements as it deems proper before a plat thereof shall be accepted and approved by it.

ATTEND TO DUTIES.

Section 238. All persons holding any office or employment under the city, whether elective or appointive, shall be required to engage in the actual work of the office or employment so held, to the extent that their services may be necessary for the full and complete discharge of the duties of said office or employment, and a failure so to do, shall be ground for removal.

AFFIDAVITS OF PUBLICATION OF ORDINANCES OR RESOLUTIONS.

Section 239. The proprietor of the official paper, shall, immediately after the publication of any notice, ordinance or resolution, or proceedings of the Council, or of any other matter which is required, to be published by any provision of this Charter, file with the City Clerk a copy of such publication, with his affidavit or that of his foreman of its due publication, and such affidavit shall be prima

facie evidence of the publication and no bill or claim for any publication whatever, shall be allowed or justified by the City Clerk until such affidavit shall have been filed with him and until he shall have approved the same.

SUCCESSION.

Section 240. When this Charter takes effect, the City of Pipestone, shall be and become the legal successor of the City of Pipestone as theretofore organized and shall be vested with all franchises, rights and immunities formerly vested in said city, except as hereinbefore otherwise provided.

All property and property rights and interests of every kind and nature formerly vested in the City of Pipestone or in any board or public officer of the same, shall, when this Charter takes effect be and become vested in and be possessed by the City of Pipestone under this Charter, and all previously existing indebtedness, obligations and liabilities of the City of Pipestone or any board or department thereof, shall together with all interest accrued or to accrue thereon, be assumed and paid by the City of Pipestone. Providing however, that nothing herein contained shall be construed as relieving any property heretofore detached from this city from its liability, on account of any outstanding bonded indebtedness of this city, existing at the time of its separation therefrom.

ORDINANCES, ETC., LEFT IN FORCE.

Section 241. Nothing herein shall be understood or construed as repealing, amending or modifying any city ordinance, resolution, rule or order, which may be in force in the City of Pipestone at the time this Charter goes into effect and becomes operative, except so far as the same may be incompatible with any of the provisions of this Charter but the same shall continue in full force until repealed, amended or modified by the Council herein provided for.

CHARTER TO BE PUBLIC LAW.

Section 242. This Charter is hereby declared to be a public act and may be read in evidence in all Courts in this State, and need not be pleaded or proven.

Section 243. All persons who shall be elected at the general city election on the first Tuesday in April, 1913, to office in this city and all who are holding office, on the adoption of this charter and when the same shall take effect, shall continue in office until the next city election to be held on the first Tuesday in April, 1914, and until their successors shall be elected and qualified. On said first Tuesday in April, 1914, shall be held the first general city election under this charter in the manner of and as provided by Chapters II and III of this Charter: Provided however, that the Municipal and Special Municipal Judge and Justices of the Peace holding office on the adoption of this charter and when the same shall take effect, shall continue in office until the expiration of their respective terms, or until their successors have been elected and shall have qualified.

The Mayor and four councilmen so holding office, as above provided, shall be and shall constitute the City Council, as provided in this charter, and shall have, when this charter is adopted and take effect, all the powers granted under this charter and shall organize

and perform their duties as herein provided and shall fill such appointive offices as shall not have been elected or appointed.

To The Honorable A. S. Dyer, Mayor of the City of Pipestone:

Sir: We the undersigned having been heretofore appointed by the Judge of the District Court of the Thirteenth Judicial District as a Board of Free Holders to prepare and present a proposed new charter for the City of Pipestone pursuant to the powers given in and by Section Thirty-six of Article Four of the Constitution of the State of Minnesota, and the provisions of Sections 748 to 758, inclusive, R. L. 1905 and the several laws supplemental and amendatory thereto—and we the undersigned, a majority of the said Commission, do hereby sign the said draft as and for the above mentioned purposes and do hereby respectfully submit to your Honor the hereto attached draft of such proposed new Charter.

Dated this 4th day of March, 1913.

W. B. BROWN,

Chairman.

J. R. DUFFUS,
E. H. ARGETSINGER,
G. S. REDMON,
A. C. WALKER,
T. E. NASH,
G. G. STONE,
MORRIS EVANS,
ALEX H. BROWN,
CHAS. MCKNIGHT,
O. P. NASON,
CHARLES H. BENNETT,
THOS. LOWE,
RALPH G. HART,

Secretary.

STATE OF MINNESOTA,)
County of Pipestone,) ss.
City of Pipestone.)

I, Harry Stevens, Mayor, do hereby certify that the foregoing and annexed printed copy, being pages 1 to 65 inclusive, is a true and correct transcript of the original proposed Charter of the City of Pipestone, in the County of Pipestone and State of Minnesota, now on file in the office of the City Clerk of said City of Pipestone, which charter was duly adopted and ratified by the electors of said City, at the regular municipal election held on April 1st, 1913. Witness my hand and the official seal of said City, this 2nd day of August A.D. 1913.

Attest

A. W. French
CITY CLERK.

Harry Stevens
MAYOR.

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