

restrain, regulate and license the sale, giving away, disposing of or dealing in spirituous, vinous, fermented or malt liquors within the corporate limits of said village. *Provided*, that said village council shall charge not less than one hundred (\$100) dollars or more than three hundred (\$300) dollars for such license, and all moneys paid for such license shall be paid to the treasurer of said village for the use and benefit of said village.

SEC. 8. *Provided, further*, that nothing herein contained shall in anywise alter or affect the township organization of the township of Wadena, except as provided in said chapter, one hundred and thirty-nine (139), general laws of eighteen hundred and seventy-five (1875), and that said village shall continue to be a part of said township of Wadena, and the said township shall be as heretofore one election district for all purposes not in conflict with the provisions of this act and the township, and general elections may be held in said village, and the qualified voters of said village shall be qualified voters of said township.

SEC. 9. This act shall be a public act, and need not be pleaded nor proven in any court in this State.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved February 14th, 1881.

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## CHAPTER 47.

### AN ACT TO INCORPORATE THE CITY OF WASECA.

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

SECTION 1. All that part of the county of Waseca, State of Minnesota, within the limits and boundaries hereafter described, shall be a city, and with the people now and hereafter inhabiting such territory, shall be a municipal corporation, known and called the "city of Waseca," and shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially provided; shall be capable of contracting and being contracted with, of suing and being sued in all courts, may have a common seal, and may alter and change the same at pleasure, may take, hold, purchase, lease and convey such real, personal or mixed estate as the purpose of the corporation may require.

SEC. 2. The following described territory shall constitute the said city of Waseca: The south half ( $\frac{1}{2}$ ) of sections seven (7) and eight (8), and the north half ( $\frac{1}{2}$ ) of section seventeen (17), and the northeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the northwest quar-

ter ( $\frac{1}{4}$ ), and the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter of section eighteen (18), all in township one hundred and seven (107) north, of range twenty-two west.

SEC. 3. The said city shall be divided into five wards, to be called first (1st), second (2d), third (3d), fourth (4th) and fifth (5th) wards, and described and bounded as follows:

All that territory lying east of the west eighth (8th) line of said sections eight (8) and seventeen (17) shall constitute the first ward.

All that territory bounded east by sixth (6th) street, north by north street and Loon lake avenue, west by the Minneapolis and St. Louis railroad track, and south by Oak, street shall constitute the second ward.

All that portion of the northeast quarter ( $\frac{1}{4}$ ) of the northeast quarter ( $\frac{1}{4}$ ) of section eighteen (18), west of the Minneapolis & St. Louis railroad, and the west half ( $\frac{1}{2}$ ) of the northeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ) of section eighteen (18) shall constitute the third ward.

All that territory north of wards numbered second (2d) and third (3d), shall constitute the fourth ward.

All that territory south of Oak street, of the original plat of the village of Waseca shall constitute the fifth (5th) ward.

## CHAPTER 2.

### ELECTIONS.

SECTION 1. There shall be an annual city election for elective officers held on the first Tuesday of May of each year, at such place in each ward as the common council shall designate, and if in any ward there shall not be a suitable place for holding such election, the common council may designate a place in an adjoining ward, but the same place shall not be designated for more than one (1) ward.

The polls shall be kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon, and notice shall be given by the recorder of the time and place of holding such election, by publishing the same in a newspaper published in said city for one week next before such election, and should there be any failure to hold such election the common council shall immediately order a special election.

SEC. 2. Such city election shall be held and conducted by the alderman of the ward, and the qualified voters and residents of such ward, to be appointed by the electors present at the opening of the polls; and such persons shall be the judges of election, and one (1) of them shall act as clerk of such election, and each shall take the usual oath or affirmation as are prescribed by the general laws of the state for judges of election.

Said election shall be held and conducted in the manner and under the same penalties as provided by the general statutes for

the election of township officers; *Provided*, that no alderman or other person shall be a judge of an election at which he is a candidate for any office, and in such case the mayor shall appoint one (1) person to perform the duties of the alderman.

SEC. 3. When the city election shall be closed the votes for each person voted for shall be counted, the judges shall make returns thereof on the day of election to the recorder, stating in such returns the number of votes for each person for each and every office, and the common council shall meet and canvass said returns, and declare the result within one (1) day thereafter, and the Recorder shall forthwith notify the officers elected of their election.

SEC. 4. Special city elections may be ordered by resolution of the common council, and shall be called and conducted, and returns made, and the votes canvassed in the same manner as provided in the last three sections.

SEC. 5. All elections shall be by ballots, and each ballot shall contain the names of each person voted for with a proper designation of the office, and a plurality of votes shall constitute an election. When two (2) or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council at such a time and in such a manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers, and who have resided in the ward where they offer to vote for the ten (10) days immediately preceding shall be entitled to vote.

SEC. 7. The whole city shall constitute one (1) election district for state and county elections, and the modes of conducting, canvassing and returning the results of such elections shall be in the manner provided by the general statutes for such elections, and the common council and recorder shall perform the duties required by such statutes of town supervisors and clerks both in conducting the election and in the registration of the persons entitled to vote.

SEC. 8. Any officer who shall neglect for one (1) week after his election to qualify as such officer, or who shall remove from the city or ward, if an alderman, shall be deemed to have vacated his office, and any vacancy in office of mayor shall be filled by a special election, and any vacancy in any other election shall be filled by the common council, and the person so elected by the common council shall hold his office until the next general election, and the person then elected to fill the vacancy shall hold his office for the unexpired term.

### CHAPTER 3.

#### OFFICERS, THEIR POWERS AND DUTIES.

SECTION 1. The elective officers of the city shall be a mayor,

assessor, street commissioner, constable and two (2) justices of the peace who shall be qualified electors, and one (1) alderman shall be elected in each ward who shall be a qualified elector thereof.

The mayor, assessor and street commissioner shall hold their office for one year, the justice of the peace, constable and alderman for two years; but no person shall be elected as mayor or alderman who has not been a resident of the city for at least one year, provided that at the first election held under this act, the aldermen elected for the second and fourth wards shall hold their office for one year; and the term of all offices, except to fill a vacancy, shall commence on the second Tuesday of May and each officer shall hold his office until his successor is elected or appointed and qualified.

SEC. 2. The appointive officers shall be a recorder, treasurer, attorney, surveyor, marshal and such police, watchmen and other officers as the common council shall designate.

They shall be appointed by the mayor, by and with the advice and consent of the common council and shall hold their office for one year.

The recorder, treasurer, attorney and surveyor shall be removable at any time by the mayor, by and with the consent of the common council, and the marshal, police, watchmen and other appointive officers shall be removable at any time by the mayor.

SEC. 3. Every person elected or appointed to any office shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same with the recorder, and the treasurer, justice of the peace, constable and street commissioner and such other officers as the common council may direct, shall severally, before he enters upon the duties of his office, execute a bond to the city in such sum as the common council may direct, conditioned for the faithful discharge of his duties, and which bond shall be approved by the mayor and filed with the recorder.

SEC. 4. The mayor shall take care that the laws of the State and the ordinances of the city are duly observed and enforced and that all the appointive officers and street commissioners discharge their respective duties; he shall, from time to time, give the common council such information and recommend such measures as he may deem advantageous to the city. He shall be the chief executive officer and head of the police of the city, and in case of riot or other special emergency may appoint as many temporary police as he may deem necessary.

All ordinances, before they take effect, shall be presented to the mayor, and if approved he shall sign the same, and such as he shall not approve he shall return to the common council with his objections thereto in writing, and if the common council at the next meeting thereafter shall pass the same by a vote of four-fifths (4-5) of all the aldermen it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and nays, which shall be entered in the record by the recorder.

If an ordinance shall not be returned by the mayor within five

(5) days after it shall have been presented to him the same shall have the same effect as if approved by him.

SEC. 5. The recorder shall keep his office at the place of meeting of the common council or such other place as the common council shall direct. He shall keep the corporate seal, if any, and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. He shall draw and countersign all orders on the treasurer authorized by the common council, and keep a full and accurate account thereof. He shall have power to administer oaths and take acknowledgments of deeds and other papers. He shall report the financial condition of the city whenever required by the common council.

He shall make and keep a list of all outstanding bonds.

He shall report annually to the common council at such times as directed, an estimate of the expenses of the city and the revenue necessary to be raised for the current year.

He shall countersign all contracts made on behalf of the city.

He shall keep regular books of account in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city.

He shall keep a record of births and deaths in said city, and shall annually make report of the same to the clerk of the district court of said county, and shall perform all the duties relating thereto the same as a township clerk.

He shall receive and file chattel mortgages, and all chattel mortgages executed by residents of or upon property within the city shall be filed with him.

He shall perform such other duties as may be required by this act or by the common council and shall receive such compensation as the common council shall determine, not exceeding one hundred and fifty dollars (\$150).

SEC. 6. The attorney shall perform all professional services incident to his office, and when required shall furnish opinions in writing upon any subject submitted to him by the common council, and shall receive such compensation as shall be determined by the common council.

SEC. 7. The treasurer shall receive all moneys belonging to the city, including license money and fines, and pay out the same only upon orders signed by the mayor and countersigned by the recorder and keep accurate and detailed account of all moneys received and paid out.

He shall exhibit to the common council at least ten (10) days before the annual city election, or sooner if required by them, a full and accurate copy of his accounts, and which shall be filed with the recorder, and a copy thereof shall be published at least four (4) days before the annual election in the official paper.

SEC. 8. The marshal and police officers shall perform such duties as shall be prescribed by the common council for the preservation of the public peace and safety of the city, and shall be under the

direction of the mayor, and within the city they may serve all criminal writs and processes whatever issued by any justice of the peace.

Watchmen, while on duty, shall have and possess the power of the marshal in all things necessary for the preservation of the public peace and safety.

SEC. 9. The street commissioner shall render his personal services and perform labor in repairing the streets of the city, and, under the direction of the common council, superintend the grading and improving of streets and alleys, and the building and repairing of sidewalks and the expenditure of taxes levied and collected for such purpose, and shall have the same supervision over the streets and alleys, and discharge the same duties as are by law imposed upon overseers of highways generally.

SEC. 10. The assessor shall have and possess all the authority, rights and powers, and be governed by the general laws of the State relating to assessors generally, and upon the completion of the assessment roll he shall return the same to the common council, who may alter, revise and equalize the same as they may deem just and proper, and said assessment, so revised and equalized, shall be final, subject only to the revision of the State board of equalization.

He shall receive such compensation as is by law provided for the payment of township assessors.

SEC. 11. The justice of the peace shall possess all the authority, powers and rights of a justice of the peace under the general laws of this State, and in addition thereto shall have exclusive jurisdiction to hear, try and determine all complaints for violation of any provisions of this act, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof. In all proceedings before said justices of the peace the same forms and proceeding shall be had and used as are established and required to be had in civil and criminal actions by the laws of this State before a justice of the peace except that in actions where such justice of the peace have exclusive jurisdiction, and in all criminal actions, for offenses committed within the city, the action shall not be transferred to any other than a city justice of the peace. Appeals from the judgments and decisions of said justice of the peace shall be allowed as now provided by law from justices of the peace.

In all prosecutions for criminal offenses, whether against the laws of the State or the ordinances of the city, he shall have power, in addition to the fines and punishments imposed, to compel such offenders to give security to keep the peace, or be of good behavior for a period not exceeding six (6) months, in a sum not exceeding five hundred (\$500) dollars. He shall receive in all cases the same fees as are provided for justices of the peace.

All fines imposed by the justices of the peace for any offenses committed within the city limits shall belong to and be a part of the finances of the city, and as soon as collected the justice of the

peace shall pay the same over to the treasurer and file his receipt for the same with the recorder.

The residence of such justices of the peace shall not deprive them of jurisdiction in any case.

All prosecutions for a violation of any ordinance, resolution or by-law of the city shall be in the name of the City of Waseca, and in any criminal conviction may commit the offender to the city prison or county jail.

SEC. 12. The constable shall have all the powers, perform all the duties, be subject to the same liabilities and receive the same fees as a constable elected under the general laws of this State; *Provided*, that no person elected to the office of constable shall be appointed as marshal, watchman or other police officer.

SEC. 13. The surveyor shall keep his office in some convenient place in the city, and the common council shall prescribe his duties and fix the fees and compensation for any services performed by him.

All surveys, profiles, plans and estimates shall be the property of the city, and shall be filed with the recorder.

SEC. 14. The common council at their first (1st) meeting after each annual city election shall advertise for proposals to do the city printing, by giving such notice as they shall direct. The bids received shall be publicly opened and read at such time and place as the common council shall direct; and the person offering to do such printing for the lowest sum in any newspaper published in the city, shall be declared to be the city printer for the ensuing year, and all ordinances, resolutions, reports and other proceedings required to be printed shall be printed therein.

*Provided*, that if no person shall offer to do such printing at a rate not greater than that now provided by statute for legal advertisements the common council may make such other provisions for the city printing as it may see fit.

SEC. 15. The common council shall from time to time prescribe the duties and compensation of any other officers not provided for in this act, as it may see fit, and may prescribe any other duties in addition to those prescribed by this act, to be performed by any officer except the mayor.

No officer elected or appointed to any office under the provisions of this act shall be a party to, or interested in any contract in which the city is interested while holding such office, and any contract made in violation hereof shall be void.

If any person having been an officer of said city shall not within ten (10) days after notification and request deliver to his successor in office, all property, effects or records in his possession belonging to the city or the office he may have held, shall be punished by a fine not exceeding one hundred dollars (\$100).

The mayor or alderman shall not directly or indirectly receive any compensation for their services as such officers; *Provided*, that any judge of election may receive such compensation as is provided by the general statutes.

SEC. 16. The mayor, aldermen, justice of the peace, constable, marshal, all police officers and the sheriff and deputy sheriff of the county of Waseca shall be officers of the peace, and in a summary manner suppress all rioting and disorderly behavior within the limits of the city, and may arrest without warrant, any person so conducting himself, and may command the assistance of the bystanders, and any person resisting any officer of the peace in the discharge of his duties, as such, shall be punished by a fine of not less than five dollar (\$5) nor more than one hundred dollars (\$100).

#### CHAPTER 4.

##### THE COMMON COUNCIL, ITS POWERS AND DUTIES.

SECTION 1. The several aldermen shall constitute the common council, and the style of all ordinances shall be, "The common council of the City of Waseca do ordain."

The common council shall meet at such time and place as they shall direct, and three aldermen shall constitute [a quorum] for the transaction of business, but no action of any kind shall be valid unless three members concur therein, but a less number may adjourn from time to time.

The common council shall determine the rules of its proceedings and have the power to compel the attendance of absent members.

The mayor or president of the common council may call special meetings by notice in writing to each of the members, to be delivered personally or left at his usual place of abode.

The common council shall annually at their first meeting after the annual election, elect one of their number as president, who shall preside at their meetings, and in case of the absence of the mayor from the city or inability to act, or a vacancy in the office of mayor, he shall perform the duties of mayor, except that he shall not approve of ordinances.

SEC. 2. The common council shall have the management and control of the finances and all the property of the city, and also have full power and authority to make, enact, ordain, establish, publish, enforce, alter, amend and repeal all such ordinances, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice, and intemperance and the prevention of crime as they shall deem expedient, and they shall have power to establish and maintain a city prison. *Provided*, that it shall be the duty of the sheriff or jailor of Waseca county to take into custody and safely keep in the common jail of said county, all persons committed thereto by a justice of said city, until discharged according to law.

The common council shall have power to impose punishments and enforce the same against any person or persons who may violate any of the provisions of any ordinance and by-law ordained by them, and all such ordinances, by-laws or rules are hereby declared



to have the force of law, and for these purposes shall have authority by ordinance,

*First.* To license and regulate the exhibitions of common showmen and shows of all kinds, and the exhibitions of caravans, circuses, concerts and theatrical performances, and also to license and regulate auctions and auctioneers, billiard tables, pigeon-hole tables, ten-pin alleys, the vending or dealing in or disposing of spirituous, vinous, fermented or malt liquors; *provided*, the recorder's fee for issuing said license shall in no case exceed two (\$2) dollars, and the city council may at any time revoke any license granted under this act, for the malconduct or violation of the ordinance under which such license is issued.

*Second.* To prohibit all descriptions of gambling and fraudulent devices and practices, all card playing, dice or other games of chance.

*Third.* To prevent riots and disorderly assemblages in said city, to suppress disorderly houses and houses of ill-fame.

*Fourth.* To prohibit horse racing, immoderate driving or riding in the city, to prohibit and prevent any abuse of animals, to compel persons to fasten their horses or other animals while such animals are standing on the streets.

*Fifth.* To regulate and prohibit the running at large of horses, cattle, asses, mules, swine, sheep, poultry and geese, and to authorize the distraining, impounding and sale of the same, and to provide for the proceeds of such sale, and to impose penalties upon the owners of the same for a violation of any ordinance in relation thereto.

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

*Seventh.* To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants, to erect lamps, and provide for the lighting of the streets, public grounds and public buildings of the city.

*Eighth.* To establish boards of health, and prescribe their duties and the duties of health officer; to make regulations for controlling contagious diseases.

*Ninth.* To regulate or prevent the discharging of fire-arms or fire-crackers, and the exhibition of fireworks within the city.

*Tenth.* To prevent open and notorious drunkenness, brawling and obscenity in the streets or places of public resort within the city.

*Eleventh.* To establish, construct, regulate and keep in repair bridges, culverts, sewers, sidewalks and crossings, and to prevent and punish any person doing any damage to or obstructing the same.

*Twelfth.* To remove and abate any nuisance injurious to the public health, to regulate or prohibit the slaughtering of animals within the city, and do all acts and make all regulations with regard to the health and cleanliness of the city, by causing filth to

be removed from streets, lots, alleys or buildings and city, or, if necessary for the purposes of health and cleanliness, to remove the buildings themselves, and to prevent the depositing of any kind of filth or offal within the limits of the city, and to provide for the punishment of all persons violating the ordinances with relation thereto.

*Thirteenth.* To remove and abate every nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of said city, and compel the owners or occupants of any lot within the city to remove snow, dirt or rubbish from the sidewalks adjoining the same.

*Fourteenth.* To direct, regulate and encourage the planting and preservation of ornamental trees in the streets, alleys and public grounds of the city.

*Fifteenth.* To restrain and punish vagrants, mendicants, street beggars and tramps.

*Sixteenth.* To cleanse, alter, repair and fill up any private drains, sinks, privies or other places which tend to breed distempers, and cause the expense thereof to be assessed to the lots upon which the same may be.

SEC. 3. All ordinances, resolutions and by-laws shall be passed by an affirmative vote of not less than three of the members of the common council present, voting by ayes and noes, and be published in the official paper, before the same shall be in force; they, together with all regulations, shall be recorded by the city recorder in books provided for that purpose.

Such record shall be prima facie evidence of the validity of such ordinance, resolution or by-law without further proof, and shall be notice to all persons interested.

SEC. 4. The powers conferred upon the common council to provide for the abatement of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law.

SEC. 5. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, street commissioner, justice of the peace, and all other officers and agents of the city, at such times as they may deem proper, provided it be done before the time for which the officers of said city were elected or appointed shall expire, and the common council may require each and every officer and agent to exhibit the books, accounts and vouchers for such examination and settlement, and if such officers or agents shall refuse to comply with the orders of the council in pursuance of this section, it shall be the duty of the common council to declare the office of such person vacant, and may institute proceedings at law against any officer or agent of said city found delinquent or defaulting in his accounts.

## CHAPTER 5.

## FINANCES AND TAXATION.

SECTION 1. The common council shall have power to levy upon all the property, real and personal, in said city, except such as is by the laws of this state exempt from taxation, taxes for the support of the city government, to purchase ground, erect, lease or repair buildings for city purposes, to pay salaries of officers and the general incidental expenses of the city; but the amount raised for the above purposes by taxation, shall not exceed three mills upon the dollar of the assessed value of such taxable property. *Provided* that the common council may in their discretion, expend any portion of such general fund for the improvement of the streets of the city, or upon any highway without and leading into the city; and in addition to the above rate, the common council may levy taxes sufficient to pay the principal or interest of any bonded indebtedness incurred in pursuance of this act, as it may fall due, provided that nothing herein shall be construed as limiting the levying of special assessments as provided in this act.

SEC. 2. The common council shall cause to be transmitted to the auditor of the county of Waseca, on or before the first day of October in each year, a statement of all taxes by them levied, and such taxes shall be extended, collected and enforced with and in like manner as state and county taxes are extended, collected and enforced, and the treasurer of said county shall pay such taxes over at each apportionment to the treasurer of said city, and no tax shall be invalid by reason of informality in the manner of levying the same.

SEC. 3. No moneys shall be paid out of the city treasury unless such payment be authorized by a vote of the common council, and only upon orders signed by the mayor and recorder, and specifying the purpose for which they were drawn, and the treasurer shall immediately upon payment cancel and preserve such orders as vouchers for settlement with the city.

SEC. 4. The city shall constitute one road district.

The common council shall issue a warrant to the street commissioner containing the whole amount of highway labor, and taxes assessed and levied within the city, which warrant shall be returned and filed with the recorder within the time prescribed by the laws of this State, together with a correct and detailed report of all moneys collected on said warrant, and of all moneys expended by him.

The laws of the State shall apply to warning, working, suing for and collecting highway taxes and returning such delinquent taxes in all respects, except as otherwise herein expressly provided.

SEC. 5. The common council, in addition to the other taxes herein provided, shall have power to assess and levy highway labor and taxes and shall be governed and regulated in the amount so levied by the laws applicable to the supervisors of towns in this State, in

levying highway labor and taxes and shall have full power to direct the street commissioner when, where and how to expend such labor, and tax and to remove him for a wilful violation of his duties.

## CHAPTER 6.

### PUBLIC IMPROVEMENTS.

**SECTION 1.** The common council shall not order sidewalks to be constructed excepting upon petition of a majority of the owners of lots affected thereby.

The common council may order, without petition of the property owners and occupants, the repair of any sidewalks. All owners of real estate adjacent to or along which the common council shall order or direct any sidewalk to be constructed or repaired, shall construct or repair such sidewalk at their own cost and expense, in a manner and within the time prescribed by said common council, in a notice given or published as hereinafter provided.

Whenever said common council shall order any such repairs to be made they shall prescribe the respect in which the said sidewalk is to be repaired, and may cause a notice of the same to be published in the official paper of the city or to be served upon the owners personally, which publication or service shall be as many days prior to the time when such repairs shall be completed as the common council may direct, which notice shall state the kind of repairs to be made, the description of the lot or tract of land adjacent to said sidewalk, and the time in which said repairs are to be completed.

Whenever the common council receives a petition for building a new sidewalk as hereinafter provided, they shall, if said petition is accepted, make an order for the construction of such sidewalk in the manner prayed for in said petition and within such time as the common council shall see fit, and cause a notice of such action to be published in the official paper of said city, once, which notice shall refer to said order, and state the kind of sidewalk to be built and the manner of building the same, and the description of the land adjacent to said sidewalk, and the time within which said sidewalk shall be built.

If the work of repairing or building sidewalks be not done in the manner or within the time so prescribed by the common council, the council may proceed to do such work by contract or otherwise.

**SEC. 2.** The common council shall cause a correct report of the expense of building or repairing such sidewalk, if done under their direction, to be made to them, and shall on or before the time by law required for reporting to the county auditor of Waseca county the amount of the tax levied upon said city for that year, order the recorder to certify the cost and expense of such repairs or construction, with the amount thereof assessed on each lot or tract

of land adjoining, to the county auditor, and thereupon it shall be the duty of said auditor to insert the amount of said assessment in the next annual tax roll, and the same shall be collected in the same manner as taxes upon real property.

SEC. 3. Sewers or gutters may be constructed by the city on petition of two-thirds of the property owners along the line of the proposed sewer or gutter, and the expense thereof shall be apportioned by the common council, among the lots or parcels of land along or through which the same may be constructed, in proportion to the benefit of the same to such lots or parcels of land. When any such petition is received, if the same be accepted by the common council, notice shall be given to all parties interested, when and where the common council will meet to hear and determine on such petition, by publication for one (1) week in the official paper, and such notice shall briefly recite the substance of such petition, and, in general terms, give the character of such improvement, and a description of the lots or parcels of land along or through which the same is proposed to be constructed, and upon such notice being given the common council shall have jurisdiction to construct said sewer or gutter and to levy special assessments for the same.

SEC. 4. The common council may cause to be established from time to time, under the direction of the city surveyor, the grade of the streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city recorder, and shall have power to cause all sidewalks to conform to the grade as established; and if the owners or occupants of lots fronting on the same, shall not after such notice and within such time as they may direct, cause the same to conform to such established grade, shall order the same to be done by the street commissioner at the expense of the lots fronting on the same.

SEC. 5. The common council of said city shall have the care, supervision and control of all the highways, bridges, streets and alleys and public grounds within the limits of the city, and shall have the power to build and keep in repair bridges and the approaches to the same, lay out, open, alter and vacate highways, streets, lanes and alleys, and widen or straighten [the same;] *Provided*, that any street, alley or highway within said city shall be built, altered or vacated in the same manner as a highway in a town, under the laws of this State, excepting the petition for such building, vacating or altering such street, alley or highway shall be made by not less than six (6) freeholders and residents of said city.

SEC. 6. The damage sustained by reason of laying out, opening or altering any road, street or alley may be agreed on in the same manner as in a town, under the laws of this State, and the State laws shall apply in all respects in relation to appeals, the release of damages and fixing or assessing thereof by the common council, except the recorder is substituted for the town clerk and common council for supervisors.

All such damages and repairs shall be levied as a tax upon the city at large.

## CHAPTER 7.

## FIRE DEPARTMENT.

SECTION 1. The common council, for the purpose of guarding against fire, shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and direct that all or any buildings within the limits prescribed shall hereafter be built and constructed in such manner and of such materials as in the judgment of the council shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

The common council shall have power, by resolution, to order any building, structure or materials therefor, hereafter erected or in process of erection, of which the construction or materials may be dangerous to surrounding property to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given, to order the same taken down and removed by the police or in such manner as the common council may see fit, and the common council may prescribe penalties for the violation of any of the provisions of this section or any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars (\$100), which may be imposed by the city justice upon the complaint of any citizen.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers, smoke houses and apparatus in and about any building, and to cause the same to be removed or placed in such condition for safety as they may direct, when so considered dangerous to prevent the deposit of ashes in unsafe places and the throwing of ashes into the streets and alleys to regulate the carrying on of manufactures dangerous in causing fire, and the storage of burning oils and other inflammable materials.

To authorize the mayor or aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire all idle and suspected persons, and to compel all by-standers to aid in the extinguishment of fires and the protection of property exposed to damages thereat, and generally to establish such regulation for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. The common council shall have the power to purchase fire engines and all other apparatus which may be required for the extinguishment of fires.

The common council may cause water mains and pipes to be laid in any and all streets, alleys, highways or public grounds of said city, with a view to the extinguishment of fires.

SEC. 4. The city of Waseca is authorized and empowered to issue its coupon bonds to the amount of not to exceed six thousand (\$6000) dollars, for the purpose of constructing and laying such water mains and pipes or obtaining any apparatus to be used for the purpose of extinguishing fires, when authorized by a vote at any city election called for the purpose.

Said bonds shall be prepared under the direction of the common council, who shall determine the number and amounts thereof, they shall be signed by the mayor and attested by the recorder of said city, who shall affix the seal of said city.

SEC. 5. The common council shall have power to form fire, engine, hook and ladder and hose companies, and provide for the proper support and regulation of the same, and to order such companies to be disbanded, their public meetings to be prohibited and the apparatus given up.

Every member of such company which may be authorized to be formed shall be exempt from highway work or poll tax, from service on juries and from military duty during the continuance of such membership.

SEC. 6. The mayor, by and with the consent of the common council shall have power to appoint the foreman of the fire department, and also one fire warden in each ward, and to authorize such warden to enter any place for the purpose of inspection.

SEC. 7. Whenever any person shall refuse to obey any lawful order of the foreman of any fire company, fire warden, mayor or alderman at any fire, it shall be lawful for those officers giving such order, to arrest or to direct orally, any constable, police officer, watchman or any citizen to arrest such person and to confine him temporarily in any safe place until such fire shall be extinguished, and in the same manner such officers or any of them may arrest or direct the arrest and confinement of any person at such fire, who shall be intoxicated or disorderly, and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting, any person so refusing to obey, shall be liable to be punished therefor by a fine of not more than one hundred (\$100) dollars.

## CHAPTER 8.

### INTOXICATING LIQUORS.

SECTION 1. The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said city is, and shall be, under the exclusive control of the common council, and license

moneys and all fines imposed by any court, for a violation of any ordinance, or any provision of this act regulating such traffic, shall be paid into the treasury of the city, for the use thereof.

SEC. 2. All licenses for the sale of such liquors shall expire on the second Tuesday of May in each year, and no license for the sale of such liquors shall be given for a shorter term than from the date of the application to the second Tuesday of May, following.

SEC. 3. Any person desiring a license for the sale of such liquors within said city shall apply therefor to the common council, and at the same time present his bond with two (2) or more sureties, in such sum, and conditioned as the common council may by ordinance direct; and if said person be deemed a suitable person, and said bond is approved by them, the common council shall order such license to be issued by the recorder.

The recorder shall not issue such license until the person so applying shall produce the receipt of the city treasurer, showing the payment to him, by the person so applying, of the amount fixed by the common council to be paid for such license.

The common council may, by ordinance, make any regulation necessary and proper for the carrying out of this section and punishment of the person violating the same; *Provided*, they be not repugnant to the general laws of this State.

SEC. 4. The qualified voters of said city may decide for themselves whether license shall be granted to any person for the sale of such liquors.

The recorder is hereby required, on petition of ten (10) or more legal voters of said city, at any time not less than fifteen (15) days before any annual city election, to give notice that the question of license will be submitted at said election.

Notice thereof shall be given by the recorder at the time and in the manner that notice of said election is given, and said question of license shall be determined by ballots containing words, "In favor of license," or "against license," as the case may be.

The vote shall be canvassed and returned as is by law provided for canvassing the returns of such city election, and if such returns show that a majority of the votes cast at said election be against license, then the common council shall not grant any license for the sale of such liquors during the then ensuing year.

SEC. 5. In case the legal voters of said city shall determine, as provided in the last section, that no license for the sale of such liquors shall be granted, any person who shall thereafter sell, barter or dispose of any such liquors within said city during the then ensuing year, for other than medicinal or mechanical purposes, shall, upon conviction therefor, be punished by a fine of not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) for each offense.



## CHAPTER 9.

## MISCELLANEOUS PROVISIONS.

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

SEC. 2. No fine or judgment recovered in favor of the city shall be remitted or discharged except by vote of the common council and with the approval of the mayor.

SEC. 3. All warrants, processes or writs issued by the justices of the peace, for offenses committed within the limits of the city, shall be styled "The State of Minnesota," and all actions or proceedings for any violation of the provisions of this act, or of the ordinances, by-laws or regulations made in pursuance thereof, shall be brought in the corporate name of the city.

SEC. 4. Fines and punishments ordained by the common council for the breach of any ordinance, by-law or regulation, may extend to a fine not exceeding one hundred (\$100) dollars, or imprisonment in the city prison or county jail not exceeding thirty (30) days, at the discretion of the justice of the peace, and in all cases of the imposition of any fine by a justice of the peace, for the punishment of any offense, committed within the limits of the city, the offender shall be forthwith committed to the city prison or the county jail, as the justice of the peace may direct, and be there imprisoned for a time fixed by the justice of the peace not exceeding three months, unless such fine be sooner paid, and from the time of arrest until the time of trial the person arrested may be imprisoned in the city prison or the county jail. The county jail referred to in this act, in all cases refers to the county jail of Waseca county.

SEC. 5. When any action shall be commenced against the city service of the summons shall be made upon the mayor, or acting mayor, personally, who shall forthwith inform the common council of the same.

SEC. 6. No law of this State shall be construed as repealing, amending or modifying this act, unless such purpose be expressly set forth in such law.

SEC. 7. The city shall be liable for the costs made in the trial of any person tried before the justices of the peace for an offense committed within the limits of the city and for the keeping of any person who may be committed to the county jail for an offense under any city ordinance or by-law, and the common council may make such regulation with the commissioners of said county as may be necessary to carry this section into effect.

SEC. 8. The city shall constitute one additional commissioner district for the county of Waseca, and the county commissioner so elected shall hold his office under the same terms, conditions and duties as the other members of the board of commissioners of said

county, and the first election of such commissioners shall be at the first general State election after the passage of this act, but in all respects not otherwise provided in this act, the territory and inhabitants of said city shall remain a part of the county of Waseca, and be subject to the same rights and liabilities as if this act had not been passed.

SEC. 9. The city shall constitute one school district under the general laws of this State relating to independent school districts, and the government and management of said school district shall be as provided by such law. The board of education of such district shall among other things, have full power to prescribe courses of studies and the text books to be used therein, and the treasurer of Waseca county shall, immediately after every appointment, pay over, on demand of the treasurer of said district, all funds belonging to said district; *Provided*, that the annual school meeting shall be held on the first (1st) Tuesday of August in each year, at such time and place as the board of education may direct.

SEC. 10. The common council may annually appropriate such sum as they may see fit, not exceeding the amount appropriated that year by the town of Woodville for the improvement and care of the cemetery of said town, and any of the directors of said cemetery may reside in said city.

SEC. 11. All that portion of township one hundred and seven (107), range twenty-two (22), of Waseca county and not embraced within the limits of said city shall be and remain the town of Woodville, and the inhabitants of said city shall not be qualified voters in said town; and said town shall have no power or authority over said city; *Provided*, that any resident and voter of said city may hold any town office to which he may be elected by said town, and in such case may hold his office in the city; and the town supervisors may hold their meetings in said city, and the town meetings and annual elections of said town may be held in said city. *Provided further*, that all chattel mortgages heretofore filed in the office of the town clerk of said town, and given by persons residents of the city, or upon property within the city, shall within six (6) months after the passage of this act, be filed with the city recorder, and if not so re-filed shall thereafter cease to be notice to subsequent purchasers or incumbrancers.

SEC. 12. The auditor of said county shall annually at the time when other taxes are extended, extend upon all the taxable property of said city and town of Woodville, a tax sufficient to pay the interest or principal of any bonds heretofore issued by said town of Woodville, which may fall due in the then current year, and it shall be the duty of the town clerk of said town and the recorder of said city, on or before the first (1st) day of October of each and every year to conjointly certify to the said auditor, the amount of any such principal or interest to so become due, and the amount of the tax so raised shall be paid by the treasurer of said county to the treasurer of said town, and shall not be applied by

said town for any other purpose than that for which it was levied; and any officer of said town who shall authorize any part of such sum to be diverted, or shall in any way assist in diverting said sum or any part of said sum from the purpose for which it was levied, shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500); and the said town shall be liable to said city for any misappropriation of such fund, and any surplus of such fund shall be repaid, pro rata, to said city, on demand of the mayor.

SEC. 13. All ordinances and regulations heretofore made by the trustees of the village of Waseca not inconsistent with the provisions of this act, shall be and remain in full force until altered, modified or repealed by the common council of said city after this act shall have gone into effect.

SEC. 14. When the common council shall have first organized under the provisions of this act, the functions of any officer under the laws incorporating the village of Waseca, shall cease, and all such laws are repealed from and after such time.

*Provided*, that any rights vested in or property belonging to the village of Waseca shall not be lost, but shall then immediately vest in and belong to the city of Waseca.

SEC. 15. The first election under this act shall be held on the third (3d) day of May one thousand eight hundred and eighty-one (1881), and at least ten (10) days prior thereto the trustees of the village of Waseca shall appoint three (3) persons, residents and voters of each ward, to be the judges of election in such ward, one of whom shall act as clerk of such election, and shall, at the same time determine the place of holding the election for each ward, subject to the same conditions provided in this act, and shall give notice of the time and place of holding such election and of the names of the judges, as is provided in this act for giving notice of city elections, and the returns of said election shall be made by such judges to the clerk of the village of Waseca, and the votes shall be canvassed and the result announced by the trustees of the said village as is provided to be done by the common council in this act, and said village clerk shall make a record thereof in the book of village records, and shall immediately notify each officer of his election.

SEC. 16. This act is a public act, and with the ordinances and by-laws passed by virtue thereof need not be pleaded or proven in any court in this State.

SEC. 17. This act shall take effect and be in force from and after its passage.

Approved February 23, 1881.