

March 5th, 1868, be and the same is hereby amended so as to read as follows:

Sec. 12. Whenever a vacancy shall occur in any elective office, the common council or a majority of them shall fill said vacancy by appointment by warrant under their hand; and the person so appointed shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 2. This act shall take effect and be in force on and after its passage.

Approved March 7th, 1881.

## CHAPTER 76.

### AN ACT TO AMEND AND CONSOLIDATE THE CHARTER OF THE CITY OF MINNEAPOLIS.

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

SECTION 1. The act entitled "An act consolidating the cities of St. Anthony and Minneapolis, and incorporating the same into one city by the name of Minneapolis," approved February 28, A. D., 1872, and the subsequent acts of the legislature amending the same, are hereby consolidated and amended so that the same shall constitute the charter of said City of Minneapolis, which shall read as follows :

## CHAPTER 1.

### CITY AND WARD BOUNDARIES—CREATION OF CORPORATION.

SECTION 1. All that district of country in the county of Hennepin contained within the limits and boundaries hereinafter described, shall be a city by the name of "Minneapolis," and all the people now inhabiting and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Minneapolis," and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey all such real, personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and in addition thereto shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

## CITY LIMITS.

SEC. 2. The district of country constituting the City of Minneapolis shall include sections thirteen (13), fourteen (14), fifteen (15), the east half of sections sixteen (16) and twenty-one (21), sections twenty-two (22), twenty-three (23), twenty-four (24), twenty-five (25), twenty-six (26), twenty-seven (27), and the east half of section twenty-eight (28), excepting that part of the west half of the west half of the north east quarter of said section twenty-eight (28), lying north of the St. Paul, Minneapolis and Manitoba railroad track; also the north east quarter of section thirty-four (34), and the north half of the north half of sections thirty-five (35) and thirty-six (36), all in township twenty-nine (29), range twenty-four (24) west of the fourth (4th) principal meridian of the United States surveys of the public lands.

## WARD BOUNDARIES.

SEC. 3. The said city shall be divided into six wards, which shall be bounded as follows:

*First Ward.*—All that part of said city lying east of the middle line of the main channel of the Mississippi River and north of a line commencing at a point where the middle line of the main channel of said river is intersected by the middle line of the Suspension Bridge; thence eastwardly along the middle line of said Suspension Bridge and the middle line of the street leading therefrom across the stone bridge crossing the east channel of said river to Central Avenue, and along the middle line of Central Avenue to its junction with Second Avenue Northeast, and along the middle line of Second Avenue Northeast to Ninth street, and along the middle line of 9th street to Division street, along the middle line of Division street on the south side of Ramsey, Lockwood and other additions, east to the eastern boundary of said city, shall constitute the First Ward of said city.

*Second Ward.*—All that part of said city lying east of the middle line of the main channel of the Mississippi river, and not included in the First Ward as above described, shall constitute the Second Ward of said city.

*Third Ward.*—All that part of said city lying west of the middle of the main channel of the Mississippi river, and north of a line commencing at a point where the middle of said main channel would be intersected by the middle line of Third Avenue North if extended thereto, thence along said extension to Third Avenue North; thence along the middle line of Third Avenue North to Sixth Street; thence along the middle line of Sixth Street to its intersection with the north line of the southwest quarter ( $\frac{1}{4}$ ) of section twenty-two, (22) in township twenty-nine, (29) range twenty-four, (24) thence due west to the west line of said city, shall constitute the Third Ward of said city.

*Fourth Ward.*—All that part of said city lying west of the middle of the main channel of the Mississippi River, and between the third ward and a line commencing at the point where the middle line of First Avenue south, if extended thereto, would intersect the middle line of the main channel of said river; thence along such extension to First Avenue south; thence along the middle line of First Avenue south to its intersection with Grant Street; thence along the middle line of Grant Street to its intersection with Nicollet Avenue; thence along the middle line of Nicollet Avenue, formerly known as the Blaisdell Road, to the south boundary of said city, shall constitute the Fourth Ward of said city.

*Fifth Ward.*—All that part of said city lying west of the middle of the main channel of the Mississippi River, and between the Fourth Ward and a line commencing at the point where the middle line of the main channel of said river is intersected by the middle line of the iron bridge crossing said river from Tenth Avenue South; thence along the middle line of said iron bridge to Tenth Avenue South, thence along the middle line of Tenth Avenue South, and the extension thereof to the south boundary of said city, shall constitute the Fifth Ward of said city.

*Sixth Ward.*—All that part of said city lying to the east and southeast of the Fifth Ward, and west of the middle of the main channel of the Mississippi River, shall constitute the Sixth Ward of said city

## CHAPTER 2.

### OFFICERS AND ELECTIONS—OFFICERS OF THE CITY AND TERMS OF OFFICE.

SEC. 1. The elective officers of said city shall be a Mayor, a Treasurer, and a Comptroller, all of whom shall be residents and qualified voters of said city, and shall hold office for the term of two years. Each ward shall elect one alderman each year, who shall be a resident and a qualified voter of the ward for which he shall be elected, and hold office for the term of three years.

The term of office of every officer elected under this act shall commence on the second Tuesday of April of the year for which he shall be elected, and shall continue until a successor is elected and qualified.

All other officers necessary for the proper management of the affairs of the city, shall be appointed by the city council, unless otherwise provided. The appointment of such officers shall be determined by ballot, and it shall require the concurrence of a majority of all members of the city council present to appoint such officer. The city clerk shall hold his office for the term of two years from and after the second Tuesday of April of the year of his appointment, and all other appointed officers, except when otherwise provided in this charter, for the term of one year from said

second Tuesday of April. All appointed officers shall continue in office until their successors are appointed and qualified.

All persons now holding office in said city shall continue in office to the expiration of the term for which they shall have been elected or appointed, and until their successors shall have been designated and qualified.

#### TIME OF ELECTION AND NOTICE.

SEC. 2. The election of city officers and the aldermen of said city shall be held on the first Tuesday of April of every year.

Whenever a vacancy shall occur in the office of mayor or alderman, such vacancy shall be filled by a special election which shall be ordered and held within twenty days after such vacancy shall occur. The city clerk shall give fifteen days notice of the time and places of holding all general elections and special elections, and such notices shall also designate the officers to be elected at such general or special elections, but no defect in such notices, or failure to give them, shall invalidate any election.

All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon. The person receiving the highest number of votes for any office shall be declared elected to such office. When two or more candidates for any elective city office shall receive an equal number of votes, the election shall be determined by the casting of lots, in the presence of the city council, at such time and in such manner as said council shall direct.

#### MODE OF CONDUCTING ELECTIONS.

SEC. 3. The mode of conducting city elections shall be the same as is provided by law for the conducting of elections in cities of over 12,000 inhabitants, except so far as such law is modified by express provisions of this charter, and all special provisions herein contained shall apply as well to all state and county elections within said city, except that the returns of all elections for aldermen or city officers shall be made to the city clerk, as hereinafter provided, and the returns of state or county elections shall be made to the auditor of the county of Hennepin as provided by law.

#### QUALIFICATION OF VOTERS.

SEC. 4. All persons entitled to vote for state and county officers, and who shall have resided for twenty (20) days next preceding the election in the precinct where they offer their vote, shall be entitled to vote for any officer, or to be elected to any office hereby created.

## ELECTION PRECINCTS AND PLACES OF ELECTION.

SEC. 5. The city council shall, at least twenty (20) days previous to the general election for city officers, to be held on the first (1st) Tuesday of April annually, and the general election for state and county officers, to be held on the first (1st) Tuesday after the first (1st) Monday of November of each year, designate the boundaries of the several election precincts of said city, and for that purpose may divide the several wards into such number of precincts as may be deemed necessary, but no election precinct shall extend over any territory of more than one ward. The city council shall also at the same time designate the place of holding elections in each precinct, and such place so designated shall not be subject to change by the voters present at the commencement of such election.

In case such city council shall neglect or refuse to provide for such precincts and places of election previous to general elections as herein provided, and in all cases of special election, the election precincts and places of holding elections shall continue to be the same as at the general election next preceding such election.

## JUDGES OF ELECTION.

SEC. 6. The aldermen of said city shall be *ex-officio* judges of election of the precincts wherein they respectively reside, unless candidates at such election or otherwise disqualified or declining to serve. The city council shall at least twenty (20) days before any general election, appoint such number of judges of election as may be necessary to constitute a full board for each election precinct as provided by general law.

## SPECIAL ELECTIONS, HOW CONDUCTED.

SEC. 7. It shall not be necessary to appoint judges or to make new registers of voters for special elections, but the judges of election at the last general election in any precinct, shall continue to be judges of election for such special election, and vacancies of judges may be filled the same as in case of general elections, and such judges shall have the right to take from the city clerk, and use at such special election, the register used at the general election next preceding such special election.

## ELECTION RETURNS.

SEC. 8. When an election for alderman or city officers shall be closed, the judges of election shall make return thereof to the city clerk within three days of such election, in like manner as provid-

ed by law for the return of State and county elections to the county auditor.

Within one week after any city election, the city council shall meet and canvass the returns thereof and declare the result as it appears from such returns, and the city clerk shall forthwith give notice to the officers elected of their respective elections.

#### VACANCIES IN OFFICE—HOW CREATED AND FILLED.

SEC. 9. Any officer removing from the city or the ward for which he was elected or appointed, or any officer who shall refuse or neglect for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and any officer having entered upon the duties of his office, may resign the same by the consent of the city council.

All vacancies, except as hereinbefore provided shall be filled by the city council.

#### OATHS AND BONDS OF OFFICERS.

SEC. 10. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same with the clerk of the city. The treasurer, clerk, comptroller, street commissioners and other officers as the city council shall require, shall, severally before they enter upon the duties of their respective offices, execute to the city of Minneapolis, bonds in such amounts and upon such conditions as the city council may prescribe; and in the absence of special provisions, such officers shall give bonds in the amounts and upon the conditions of the bonds of their predecessors in office.

The bond of the treasurer shall be executed by at least four sureties, who shall justify to an aggregate amount of at least double the penal sum of such bond, and shall be approved by the city council, by resolution approved and published. The bonds of the other city officers shall be such as shall be approved by the city council or any proper committee thereof.

### CHAPTER 3.

#### POWERS AND DUTIES OF OFFICERS.—POWERS AND DUTIES OF MAYOR.

SECTION 1. The mayor shall take care that the laws of the State and the ordinances of the city are duly observed and enforced within the city. He shall take care that all other officers of the city discharge their respective duties, and to that end may main-

tain an action of mandamus or other appropriate action against any delinquent city officer.

He shall from time to time give the city council such information and recommend such measures as he may deem advantageous to the city.

All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the city council, with his objections thereto, by depositing the same with the city clerk, to be presented to the city council at their next meeting thereafter. Upon the return of any ordinance or resolution by the mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the mayor, and if upon such vote the city council shall pass the same by a vote of two-thirds of the members of the council, it shall have the same effect as if approved by the mayor. If any ordinance or resolution shall not be returned by the mayor within five days, Sundays excepted, after it shall be presented to him, the same shall have the same force and effect as if approved by the mayor.

#### PRESIDENT AND VICE-PRESIDENT OF CITY COUNCIL.

SEC. 2. At the first meeting of the city council in each year they shall proceed to elect by ballot from their number a president and vice-president. The president shall preside over the meetings of the city council, and during the absence of the mayor from the city, or his inability from any reason to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any regular meeting of the city council, the vice-president shall discharge the duties of such president and act in his place. The president or temporary presiding officer, while performing the duties of mayor, shall be styled acting mayor, and acts performed by him, when acting as mayor aforesaid, shall have the same force and validity as if performed by the mayor.

#### CITY CLERK.

SEC. 3. There shall be a clerk of said city, styled the city clerk, who shall be elected by the city council. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the city council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office and transcripts from the records of the city council certified by him under the corporate seal, shall be evidence in all courts the same as if the originals were produced. He shall draw and sign

all orders on the treasurer in pursuance of any order or resolution of the city council, and keep a full and accurate account thereof in books provided for that purpose. The clerk shall have power to administer oaths and affirmations. He shall perform all other services by law required of clerks of cities or townships, within said city, but when services are required of him by public law, for which compensation is made from state or county treasury, such services shall not be regarded as services for said city, and he may retain such compensation in addition to the salary paid by said city.

#### ASSISTANT CLERK.

SEC. 4. The city council shall whenever it is deemed necessary have the power to appoint, upon the nomination of the clerk, an assistant clerk at such time and for such period as may be deemed necessary. It shall be the duty of such assistant clerk to assist the clerk in the care of the papers and files, and in making the records of said city, and also to write out such records as the comptroller is required to keep and under his direction. Such assistant clerk shall also attend such meetings of any of the committees of the city council as such committee may designate, and act as clerk of such committees. He shall have authority in the disability or absence of the city clerk to certify and affix the corporate seal to copies of files and transcripts of records, and all certificates so made by him shall have the same validity as if made by said city clerk.

#### CITY ATTORNEY.

SEC. 5. The city council shall have power to elect an attorney for the city who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the city council or its committees. He shall also advise with and counsel all city officers in respect to their official duties, and attend the regular meetings of the city council and of such committees as shall request his assistance.

#### HEALTH INSPECTORS.

SEC. 6. Said city council may also appoint one or more health inspectors for said city who shall have the same authority as police officers in enforcing the ordinances of said city for the security of public health, and shall act under the direction of the health officer and board of health of said city.



## SUPERINTENDENT OF THE POOR.

SEC. 7. Said city council shall at the time of electing other city officers elect a superintendent of the poor of said city who shall perform such duties concerning the relief and assistance of the poor of said city requiring temporary and limited support as are or may be prescribed by ordinance of said city or the laws of the State. The city council shall also have authority to designate such aldermen or other officers of the city to act as a board of supervisors of the poor whose duty shall be to advise such superintendent in respect to his duties in such manner as may be provided in the ordinance designating such board.

## CITY PHYSICIAN.

SEC. 8. The city council may also appoint a city physician who shall be a physician of regular practice and of good standing in his profession and a graduate of some college of medicine. He shall attend and furnish medicine to all such poor of the city as he may be required to attend by said superintendent or board of supervisors of the poor. It shall also be his duty to make regular inspection of the city as to matters affecting the health of its citizens. He shall make reports to the State board of health of such facts as may be required by said State board. He shall be *ex officio* president and executive officer of any board of health established by said city, and perform all duties required of him by any ordinance of the city. Such city physician may be removed at the pleasure of the city council.

## CITY ENGINEER.

SEC. 9. There shall be appointed by the city council a city engineer who shall be a practical surveyor and engineer. He may by and with the consent of the city council employ such assistants as may be necessary. He shall keep his office at some convenient place in said city, and the city council shall prescribe his duties and fix his compensation and the compensation of all assistants employed by him.

## TO HAVE CHARGE OF ALL CITY WORK.

SEC. 10. He shall have supervision and general charge of all work done for the city and of all work done on any street, highway or alley in the city, may direct the manner of performing such work, and the constructions of all sidewalks, street crossings, bridges or other structures in or upon such streets, may suspend any such work or construction as shall not conform to his require-

ments or those of the city council, and shall take care that the terms of all contracts for any work or construction in behalf of the city are fully complied with.

#### SURVEYS AND PLATS TO BE CITY PROPERTY.

SEC. 11. All surveys, profiles, plans and estimates made by him or any of his assistants for the city shall be the property of said city and shall be carefully preserved in the office of the engineer, open to the inspection of parties interested, and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor at the expiration of his term of office, to his successor or to the city council.

#### DUTIES OF COMPTROLLER.

SEC. 12. It shall be the duty of the city comptroller to keep regular books of account, both of the city of Minneapolis and the board of education of said city, in which he shall enter all indebtedness of said city, and said board of education, and the several wards of said city, and which shall at all times show the precise financial condition of the city and the several wards thereof, and of said board of education, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding, and the redemption of the same when redeemed.

#### TO COUNTERSIGN BONDS AND ORDERS.

SEC. 13. He shall countersign all bonds, orders, certificates or other evidences of indebtedness of the city, ward or board of education, and no such bond, order, certificate or other evidence of indebtedness shall be valid until so countersigned.

#### TO KEEP ACCOUNTS—RECORDS TO BE COMPETENT EVIDENCE.

SEC. 14. He shall keep accounts of orders drawn on the treasury in separate books and shall note thereon the cancellation thereof whenever the same shall be canceled, and shall keep such other books and records as shall be convenient for the preservation of the accounts of all transactions and business of the city, or its wards, or of said board of education, and all books, lists and records heretofore kept, or which shall be kept, in the comptroller's office, and copies thereof by him certified shall be competent evidence of all matters shown by them.

## ACCOUNTS WITH CITY OFFICERS.

SEC. 15. He shall keep accounts with the city treasurer, and all other receiving or disbursing officers of said city or its wards or of said board of education. In such accounts he shall charge such officers with all amounts received by them from all sources of revenue and with all city property in their hands or control as such officers, and credit them with all amounts disbursed or property disposed of on proper authority, and with all money or property turned over to the city or to their successors in office. He shall examine the reports, books, papers and vouchers of the treasurer and of other receiving and disbursing officers, and perform such other duties as the city council may direct.

## TO MAKE REPORTS.

SEC. 16. He shall as soon as may be after the close of each fiscal year report to the city council the financial condition of the city and the several wards thereof, and of the board of education.

## TO COUNTERSIGN AND RECORD CONTRACTS.

SEC. 17. He shall countersign all contracts made in behalf of said city, and no such contract shall be valid until so countersigned. He shall keep a book in which he shall enter all contracts which shall be open to the inspection of all parties interested. He shall not, directly or indirectly, be interested in any contract or job to which the city or any ward thereof or board of education is a party.

## TO AUDIT ACCOUNTS.

SEC. 18. All claims and demands against the city, before the same shall be allowed by the city council, and all claims against the board of education of the city of Minneapolis, before the same shall be allowed by said board, shall be audited and adjusted by the comptroller; and all orders on the treasury, either on the part of the city or of said board, shall be examined and countersigned by him, and by him kept until delivered to the persons entitled thereto, and he shall take and preserve receipts for all orders so delivered. He may keep and use a seal of office which may be used instead of the seal of the city in the execution of licenses and such other sealed instruments as the comptroller shall be specially directed to issue, and any use of such seal by the comptroller heretofore, is hereby legalized; or he may use the seal of the city in his discretion.

## DUTIES OF TREASURER.

SEC. 19. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep an accurate and detailed account thereof in such manner as the city council shall from time to time direct. He shall also be *ex officio* treasurer of the board of education of the city of Minneapolis.

## BONDS OF TREASURER.

SEC. 20. The treasurer shall give separate bonds for the safe keeping of the funds of the city and the board of education, in such sums as may be required by the city council and the board of education respectively.

## TREASURER TO MAKE REPORT.

SEC. 21. The treasurer shall as soon as may be, after the close of each fiscal year and at least fifteen days before the annual election for city officers, exhibit to the city council a full and detailed account of all receipts and expenditures for the last fiscal year, and also of the state of the treasury, which account shall be filed with the clerk, and a copy of the same shall be published in the official paper of the city.

## WHARF MASTER.

SEC. 22. The city council shall have power to provide for the appointment of a wharf master, with power of a police officer, or may devolve the duties of such officer on any member of the police force, and may by ordinance define the duties of such wharf master, and regulate all wharf landings and levees in said city.

## JURISDICTION OF MUNICIPAL COURT.

SEC. 23. The municipal court of said city shall have exclusive cognizance and jurisdiction of all trials and examinations within said city, cognizable before a justice of the peace under the laws of the State, and of all suits, prosecutions and proceedings for the recovery of all forfeitures, fines and penalties or inflictions of punishments, for the breach of any by-laws, regulation or ordinance of said city, and of all offences against the same. And in all cases of convictions for assaults, batteries and affrays, disorderly conduct, breach of the peace, keeping or frequenting disorderly houses or houses of ill-fame, the municipal court may, in addition to any fine or punishment authorized or imposed, or without such

fine or other punishment, compel the accused to give security to keep the peace and be of good behavior, for a period not exceeding six months, and in a sum not exceeding five hundred dollars (\$500.) The judge and special judges of said court shall have powers of justices of the peace as conservators of the peace and in all ministerial and *ex parte* matters, and it shall have all the powers of justices of the peace to take depositions to be used in other courts. All fines and penalties imposed by said court shall belong to and be a part of the revenue of said city. Said court shall also have power in all criminal actions within its jurisdiction, when the punishment is by imprisonment, or by imprisonment in default of payment of fine, to sentence any offender to hard labor in any workhouse established by the city for that purpose, or in case of male offenders to sentence them to labor on any public work or improvement, in like manner and under the same qualifications as hereinafter provided in case of offences against city ordinances.

#### CITY OFFICERS TO TURN OVER CITY PROPERTY.

SEC. 24. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description, in his possession belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars. (\$1000) besides all damages caused by his neglect or refusal to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the law of this State.

#### NO ALDERMAN TO BE INTERESTED IN ANY CONTRACT.

SEC. 25. No alderman shall be a party to or interested in any job or contract with the city or either of the wards thereof, and any contract in which any alderman shall be so interested shall be null and void, and in case any money shall have been paid on any such contract, the amount so paid may be recovered by a joint or several action from the parties to such contract, and the alderman interested in the same.

#### OTHER DUTIES MAY BE REQUIRED AND OTHER OFFICERS APPOINTED BY CITY COUNCIL.

SEC. 26. The city council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless herein otherwise provided for.

## SALARIES OF MAYOR AND ALDERMEN.

SEC. 27. The mayor shall receive an annual salary of two hundred dollars. Aldermen shall receive from the city compensation not exceeding one hundred dollars per year, but this shall not prevent the members of the board of equalization of taxes, or aldermen acting as judges of election, from receiving special compensation for such service.

## EXEMPTION FROM JURY DUTY.

SEC. 28. The mayor, aldermen, all city officers and the men employed in the several departments of said city while holding such office or engaged in the service of the city shall be exempt from serving as jurors in any court.

## CITY COUNCIL TO FIX SALARIES.

SEC. 29. The city council shall have the power unless herein otherwise provided to fix the compensation of all officers elected or appointed under this act. Such compensation shall be fixed by resolution at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the term for which such officer shall have been elected or appointed.

*Provided*, however, that the city council in case of insufficiency of revenue to meet the current expenses of the city for any fiscal year, may reduce the compensation of all officers and employees of the city for the balance of such fiscal year by an equal per centage not exceeding ten per cent. on the compensation of all such officers and employees, in which case any such officer or employee shall have the right to resign such office or employment. All fees and emoluments of whatever character accruing to any city officer or received by any city officer as such officer, shall be reported to the city council monthly, and paid monthly into the city treasury, except that the sealer of weights and measures shall be entitled to receive his fees as fixed by the city council and shall have no other compensation.

*And provided further*, that the compensation of officers and employees of said city hereinafter designated shall in no case exceed the following limits, that is to say:

Judge of Municipal Court .....	\$2,500 per annum.
Clerk of Municipal Court .....	\$1,200 per annum.
City Attorney .....	\$1,800 per annum.
City Comptroller .....	\$1,500 per annum.
City Clerk .....	\$1,400 per annum.

And the legal fees for filing Mortgages. But the Clerk shall pay the compensation of the Assistant Clerk.

City Treasurer.....	\$1,200 per annum.
City Physician and Health Officer.....	\$1,250 per annum.
Superintendent of Poor.....	\$1,200 per annum.
Clerk, Superintendent of Poor.....	\$ 360 per annum.
Three Assessors, each.....	\$ 600 per annum.
Three Street Commissioners, each.....	\$ 600 per annum.
Three Poundmasters, each.....	\$ 400 per annum.

## FIRE DEPARTMENT OFFICERS AND MEN.

One Chief.....	\$2,000 per annum.
Two Assistants, each.....	\$ 400 per annum.
Provided, that when either assistant performs the duties of Fire Warden he may receive such additional compensation as the City Council may direct.	
Two Engineers of Steamers, each.....	\$1,000 per annum.
Three Drivers, who shall furnish teams, each.....	\$1,000 per annum.
Four men, each.....	\$ 780 per annum.
Twelve men, each.....	\$ 720 per annum.
Five men, each.....	\$ 300 per annum.
Thirty-nine men, each.....	\$ 240 per annum.

## WATERWORKS DEPARTMENT.

Superintendent.....	\$1,400 per annum.
Engineer.....	\$1,500 per annum.
Foreman.....	\$1,200 per annum.
Night Watchman.....	\$ 2.25 per day.
Day Watchman.....	\$1.75 per day.
Watchmen to perform duties of Oilers.	

## ENGINEER DEPARTMENT.

City Engineer.....	\$1,800 per annum.
One Draughtsman.....	\$1,000 per annum.
One Transit man.....	\$3.00 per day.
One Level man.....	\$2.75 per day.
Two Rodmen, each.....	\$2.00 per day.

## POLICE DEPARTMENT.

Chief.....	\$1,500 per annum.
One Captain.....	\$1,100 per annum.
One Sergeant.....	\$1,000 per annum.
One Detective.....	\$1,100 per annum.
Twenty-six Patrolmen, one person who shall perform the duties of Night Watchman and Janitor of City Hall, one Health Inspector and two Court Officers, each sixty dollars per month during his first year of service, sixty-five dollars per month during his second year of continuous service, and seventy dollars per month during his third year of continuous service and all subsequent service in the Police Department.	
One Jailor.....	\$700 per annum.
One Bridge Watchman at upper bridge.....	\$480 per annum.
One Bridge Watchman at lower bridge, who shall perform duties of keeper of dump.....	\$500 per annum.
One Bridge Watchman at suspension bridge.....	\$600 per annum.

## OFFICERS TO MAKE RETURNS OF PROPERTY.

SEC. 30. All officers of the city having charge of any city prop-

erty shall at the close of each fiscal year make and return to the city council a full inventory of all public property in their hands or control respectively. Such inventories shall be preserved and filed by the city clerk, and kept open to inspection of all parties interested, but need not be printed in the proceedings unless the council shall so specially direct.

#### CHAPTER 4.

##### THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The alderman shall constitute the city council. A majority of the aldermen shall constitute a quorum. The president or vice-president of the council shall, when present, preside at all meetings. In their absence the council may elect a president *pro tem* who shall for such meeting have the same power as the president.

##### STATED AND SPECIAL MEETINGS OF COUNCIL.

SEC. 2. The city council shall hold stated meetings, and the mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual places of abode. At such special meeting no other business shall be transacted than such as is designated in the call. In case of the attendance of less than a quorum at any stated meeting the members present may adjourn to any special time they may designate, and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting.

##### CITY COUNCIL JUDGE OF ELECTION OF ITS MEMBERS. RULES OF PROCEDURE.

SEC. 3. The city council shall be the judge of the election of its own members, and in such case shall have the power to send for persons and papers. It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.

##### POWER TO REMOVE OFFICERS AND HOW EXERCISED.

SEC. 4. The city council shall have power to remove from office any officer of said city whether appointed by the city council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with



a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his own defence. Continued absence from the meetings of the council in case of aldermen, and neglect of duty in case of other officers, unless for good reason, shall be deemed a good cause of removal.

The city council shall fix a time and place for the trial of such officer, of which not less than ten day's notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge the city council may declare the office vacant.

#### POWER TO ENACT ORDINANCES AND THEIR FORCE.

SEC. 5. The city council shall have full power and authority to make, ordain, publish, enforce, alter, amend or repeal all such ordinances for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient, and in and by the same to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate the provisions of any ordinance, passed and ordained by it, and all such ordinances are hereby declared to be and to have the force of law, *provided*, that they be not repugnant to the laws of the United States or of this State, and for these purposes the said city council shall have authority by such ordinances:

*First.* To license and regulate the exhibitions of common showmen, and shows of all kinds, and the exhibitions of caravans, menageries, circuses, concerts and theatrical performances, also to license and regulate all auctioneers, pawnbrokers, billiard tables, pigeonhole tables, nine or ten-pin alleys, bowling saloons, shooting-galleries, taverns, victualing houses, and all persons vending, dealing in or disposing of spirituous, vinous, fermented or malt, liquors. *Provided*, that all licenses, except for exhibitions, caravans, menageries, circuses, concerts and theatrical performances shall extend to and terminate upon the first Monday in May next after the same shall be issued, unless sooner revoked.

*Second.* To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gambling in said city, and to restrain any person from vending or dealing in spirituous fermented or vinous liquors, unless duly licensed by the city council.

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

thorize the destruction of all instruments used for the purpose of gaming.

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

*Fifth.* To direct the location and management of stock yards, slaughter houses and markets, breweries and distilleries, and to establish rates for and license vendors of gunpowder and regulate the storage, keeping and conveying of gunpowder, dynamite, or other combustible materials; and regulate the use thereof in blasting.

*Sixth.* To prevent the encumbering of streets, sidewalks, alleys, lanes, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, posts, awnings, or any other materials or substances whatever.

*Seventh.* To regulate the movement and speed of railroad locomotives and cars, to require the maintenance of flagmen or the construction and maintenance of gates at the crossings of railway tracks over such streets or avenues as said city council shall deem to require such precautions; to regulate or prohibit the whistling of locomotive engines, and to prevent and punish immoderate driving or riding in the streets; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets, and to regulate places of bathing and swimming in the waters within the city limits.

*Eighth.* To restrain the running at large of horses, mules, cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

*Ninth.* to prevent the running at large of dogs, and to require a license for keeping the same, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinance.

*Tenth.* To prevent any person from bringing, depositing or having within said city any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon his premises any such substance, or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

*Eleventh.* To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to erect lamps and to provide for lighting of the city, and contract for the erection of gas-works for lighting the streets and public grounds and public buildings, and to create, alter and extend lamp districts.

*Twelfth.* To establish and regulate boards of health, provide hospitals and hospital grounds, the registration of births and

deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

*Thirteenth.* To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Fourteenth.* To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks in said city, or in any way doing damage to such sidewalks.

*Fifteenth.* To prevent the shooting of firearms or crackers, and to prevent the exhibition of any firearms in any situation which may be considered by the council dangerous to the city, or any property therein, or annoying any citizen thereof.

*Sixteenth.* To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all such persons who shall be guilty of the same.

*Seventeenth.* To restrain and regulate porters, expressmen, hackmen, and also runners, agents and solicitors for boats, vessels, stages, cars, public houses or other establishments.

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

*Nineteenth.* To license and regulate butchers' stalls, shops and stands, for the sale of game, poultry, butchers' meat, butter, fish and other provisions, and also to license and regulate all peddlers doing business within said city.

*Twentieth.* To regulate the place and manner of weighing hay and straw and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

*Twenty-first.* To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and compel such occupant or owner to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant. Also to compel the owners of low grounds where water is liable to collect and become stagnant to fill or drain such low places, and in their default to authorize such filling or draining at the expense of such owner or owners.

*Twenty-second.* To control and regulate the construction of piers and wharfs, or grading said wharfs into the Mississippi river, within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said river, and to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing.

wharf or pier, within the limits of said city and paid to said city, and to regulate the landings, levees, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

*Twenty-third.* To regulate, control and prevent the landing of persons from boats, vessels or other conveyances whereon are contagious or infectious diseases or disorders and to make such dispositions of such persons as to preserve the health of said city.

*Twenty-fourth.* To regulate the time, manner and place of holding public auctions or vendues.

*Twenty-fifth.* To provide for watchmen, and to prescribe their number and duties, and regulate the same, and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

*Twenty-sixth.* To provide by ordinance for a standard of weights and measures, for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of the use of false weights and measures.

*Twenty-seventh.* To regulate the inspection of flour, pork, beef, fish, sa t, whisky and other liquors and provisions.

*Twenty-eighth.* To appoint inspectors, weighers and gaugers, to regulate their duties and prescribe their compensation.

*Twenty-ninth.* To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, public grounds and highways of the city, and to appoint a forester, whose duty it shall be to inspect all trees offered for sale for the purposes named, to superintend the planting and culture of the same, and to perform such other duties as the city council may prescribe.

*Thirtieth.* To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisance.

*Thirty-first.* To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city.

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

*Thirty-third.* To restrain and punish vagrants, mendicants, street beggars and prostitutes.

*Thirty-fourth.* To license and regulate hackmen, draymen, expressmen, and all other persons engaged in carrying passengers, baggage or freight, and to regulate their charges therefor; to prescribe standing places or stations within the streets, where such hacks, drays or other vehicles used for such carriage may stand or remain while waiting for business or orders, and to designate such standing or waiting places in the licenses to such draymen, hackmen or other persons, and to prohibit them from standing or wait-

ing at any other place within such streets, and to regulate and prescribe standing places for all vehicles, going to or waiting at any railroad depot or station in said city, and to authorize the mayor or chief of police of said city to regulate and direct the location of vehicles at such railroad depots or stations.

*Thirty-fifth.* To regulate the construction of all buildings of more than two stories in height within the fire-limits of said city, and by such regulations to prescribe the depth of cellars, the material and method of construction of foundations and foundation walls, the manner of construction and location of drains and sewer pipes, the thickness, material and construction of party walls, partitions and outside walls, the size and material of floor beams, girders, piers, columns, roofs, chimneys, flues and heating apparatus, to apportion and adjust such regulations to the height and size of the buildings to be erected; to regulate the construction and location of privies and vaults in such buildings, to prohibit the construction of buildings not conforming to such prescribed standard, either in the whole city or within such building limits as it may prescribe; to establish, alter or enlarge such building limits from time to time; to appoint an inspector or inspectors of buildings, or to devolve the duties of such inspector on any city officer; to give such inspectors or other officer authority to enter upon, examine and inspect all buildings in process of construction in said city or within such building limits, and to direct the suspension of any such building operation as does not conform to such regulations.

*Provided, however,* that neither said city council nor any inspector or officer of said city shall have control or regulation of any building erected by the United States or the State of Minnesota.

*Thirty-sixth.* To provide for and regulate the erection of hitching posts or rings for fastening horses, or to prohibit them in any portion of the city, in its discretion.

*Thirty-seventh.* To regulate the opening of hatchways and compel proper guards about the same.

*Thirty-eighth.* To regulate the numbering of houses and lots and to compel the owners of houses and other buildings to have the numbers of such houses or buildings designated thereon.

#### PUNISHMENT FOR BREACH OF ORDINANCES.

SEC. 6. The city council may impose punishment for the breach of any ordinance of the city to the extent of a fine not exceeding one hundred dollars, and imprisonment in the city prison or county jail not exceeding ninety days, or both, and may provide that the offender during such imprisonment be fed on bread and water at the discretion of the judge of the municipal court, and offenders against such ordinances may be required to give security to keep the peace and for good behavior, for a period not exceeding six (6) months, and in a sum not exceeding five hundred dollars (\$500).

## OFFENDERS MAY BE PUT TO LABOR.

SEC. 7. The city council may also provide by ordinance that any one convicted of an offence before the municipal court subjecting such offender to imprisonment under the ordinances of said city, may be kept at hard labor in any workhouse established for that purpose, or in case of a male offender, may be kept at hard labor during his term of punishment in such workhouse or upon the public improvements of said city, or both; and may also provide by ordinance that any one convicted of an offence before said municipal court, and committed upon non-payment of fine imposed, may be kept at hard labor in any workhouse of said city aforesaid; or in case of a male offender, may be kept at hard labor either in such workhouse or upon the public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said council may prescribe, for a time not exceeding said commitment; and the city council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escape and secure proper discipline, and shall have power to establish a proper workhouse in said city for the purpose aforesaid, and under such regulations as said city council may prescribe. *Provided*, that the city council aforesaid is hereby authorized to use the Hennepin county jail as the workhouse of the city of Minneapolis provided for in this act; the prisoners of the city to be as at present in the custody of the sheriff of Hennepin county, except while working on the improvements of said city, when they shall be under the control of the police force of said city; and *provided further*, that the judge of the municipal court of said city shall have power, for vagrancy, to commit any person to the city prison, or workhouse, or county jail, or to order any such person to work on the public improvements of said city for a term not exceeding ninety days.

## STYLE OF ORDINANCES—SUBJECT TO BE STATED IN TITLE.

SEC. 8. The style of all ordinances shall be "The City Council of the City of Minneapolis do ordain." The subject of every ordinance shall be expressed in its title, and no ordinance shall embrace more than one subject.

## ORDINANCES AND RESOLUTIONS—HOW PASSED AND PUBLISHED.

SEC. 9. All ordinances and resolutions of the city council shall be passed by an affirmative vote of a majority of all the members of the city council, by ayes and nays which shall be entered in the records of the council. No ordinance shall be passed at the same meeting of the council at which it shall have been presented ex-

cept by the unanimous consent of all the members present, which shall be noted in the record, but this shall not preclude the passage of ordinances reported by any committee of the council to whom the subject of such ordinance shall have been referred at any previous meeting. When approved, they shall be recorded by the city clerk in books provided for that purpose, and before they shall be in force they shall be published in the official paper of the city.

ORDINANCES AND RESOLUTIONS, HOW AUTHENTICATED—MUNICIPAL COURT TO TAKE JUDICIAL NOTICE OF ORDINANCES.

SEC. 10. A copy of the record of any ordinance or resolution heretofore passed and recorded or that may hereafter be passed, certified by the clerk and verified by the seal of the city, any copy thereof published in the official paper of the city or printed in the books containing the official proceedings of the city council, or published in any compilation of ordinances made under direction of the city council, shall be *prima facie* evidence of the contents of such ordinances and of the regularity and legality of all proceedings relating to the adoption and approval thereof, and shall be admitted as evidence in any court in this state without further proof.

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

MAJORITY OF WHOLE COUNCIL REQUIRED TO MAKE APPROPRIATIONS.

SEC. 11. No appropriation shall be made without a vote of a majority of all the members of the city council in its favor, which shall be taken by ayes and nays and entered among the proceedings of the council.

ABATEMENT OF NUISANCES BY SUIT NOT PREVENTED.

SEC. 12. The powers conferred upon the city council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.

CITY COUNCIL TO ADJUST ACCOUNTS OF CITY OFFICERS.

SEC. 13. The city council shall examine, audit, and adjust the accounts of the clerk, treasurer, clerk of the municipal court and

all other officers and agents of the city at such times as they deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired; and the city council shall require each and every officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of his said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books or vouchers to said council or a committee thereof, it shall be the duty of the city council to declare the office of such persons vacant, and the city council shall order suits and proceedings at law against any officer and agent of said city who may be found delinquent or defaulting in his accounts or the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

#### COUNCIL TO HAVE CHARGE OF FINANCES AND PROPERTY OF CITY.

SEC. 14. The city council shall have the management and control of the finances and all property of the city, and may provide for the sale of any such property, in such manner as it shall consider for the interest of the city.

#### POWER TO CONDEMN PRIVATE PROPERTY AND AWARD DAMAGES.

SEC. 15. The city council shall have the power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all structures connected with any department of the city, and for all streets, alleys and public squares in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such values or damages, or acquire information thereof in any other manner it shall deem advisable.

#### REVOCATION OF LICENSES.

SEC. 16. Any license issued by authority of the city council may be revoked by the mayor or city council at any time, and upon conviction before the municipal court of the city of Minneapolis, of any person holding a license for a violation of the provisions of any ordinance relating to the exercise of any right granted by such license, the said court may, and upon a second conviction shall revoke such license in addition to the penalties provided by law or by ordinance for any such violation.



## CHAPTER 5.

## ASSESSMENT OF TAXES AND FINANCES—APPOINTMENT OF ASSESSORS.

SEC. 1. The city council shall in the year 1881 appoint three assessors and shall designate the term of office of each, one for three years, one for two years and one for one year, and in each year thereafter one assessor to hold office for the term of three years. The council shall each year designate the chairman of the board of assessors who shall have charge of making up the assessment rolls. Such assessors shall have power to appoint deputies with consent of the city council, and in like manner to employ such clerk or clerks as may be necessary. Notices may be signed and other acts may be done by one, two or all of such assessors as may be convenient. In all cases when there are differences between said assessors the judgment of a majority shall govern, and the act of the majority stand as the act of the whole. In all other cases, the acts of either one of said assessors shall stand as the act of the whole, and be as valid as if all had joined therein and agreed thereto. Said assessors shall be allowed from the first day of May to the second Monday of July of each year to make out the assessment of said city.

## DUTIES OF ASSESSORS.

SEC. 2. In all respects not herein expressly provided for, said assessors shall in making assessments be governed by the rules, both in respect to the property to be listed and assessed and the manner of listing and assessing the same, which are or may be prescribed by the general laws of the State for the government of assessors in other parts of the state.

## BOARD OF EQUALIZATION AND DUTIES.

SEC. 3. The standing committee on taxes of the city council shall constitute a board of equalization, who shall be sworn according to law as such board, and meet at the city council room in said city on the second Monday of July of every year, and revise, amend and equalize the assessment on the roll of said assessors. It shall be the duty of the assessors to be present at all meetings of the said board of equalization: to present before the board all facts relating to the assessment. Such board of equalization is vested with all the powers which are or may be vested in county boards of equalization under the general laws of the State so far as applicable, but shall not be restricted by any limitation in respect to reducing aggregate sum of real or personal property as returned by the assessors.

## FURTHER DUTIES OF BOARD OF EQUALIZATION AND CITY ATTORNEY.

SEC. 4. Such board of equalization may sit from day to day or adjourn from time to time as it shall deem proper, until it shall have completed the equalization of such assessments. It shall complete such equalization on or before the second Tuesday of August of every year, and shall have power to employ such clerk or clerks as shall be necessary to complete the revision of such assessment rolls within said time. Every person aggrieved by any assessment shall have the right to appear before such board and present his grievance for its consideration.

It shall be the duty of the city attorney to attend the hearing of such grievances before such board, and whenever it appears upon the hearing of such grievances that any property is listed or assessed at less than its true value, to call attention of the board to such undervaluation and to make application in behalf of the city for the correction of such undervaluation.

## ASSESSMENT ROLLS TO BE CONFIRMED BY COUNCIL AND RETURNED TO COUNTY AUDITOR.

SEC. 5. When the assessment rolls shall have been revised by the board of equalization, they shall be returned to the city council who may confirm the same or return the same to said board for further revision, to be again reported to the city council. When the city council shall have confirmed the assessment the city clerk shall enclose therein a memorandum of such confirmation, and such rolls shall then be returned to the county auditor as other assessment rolls. In case said city council shall neglect to take final action on such rolls on or before the second (2d) Thursday after the first (1st) Tuesday of August of every year it shall be the duty of the city clerk to return them to the county auditor, with a certificate of the fact, and in such case the assessment rolls, as revised or equalized by such board, shall have the same validity as if confirmed by said city council.

## COMPENSATION OF ASSESSORS, CLERKS AND BOARD OF EQUALIZATION.

SEC. 6. The assessors shall be paid a stated annual salary to be fixed by resolution of the city council. All deputy assessors, clerks of assessors and of the board, and the members of such board of equalization, shall be paid such reasonable compensation upon accounts or time, audited by the comptroller, as shall be determined by the city council.

## FISCAL YEAR DEFINED.

SEC. 7. The fiscal year of said city shall commence on the first (1st) day of March.

## COMPTROLLER TO REPORT ESTIMATE OF EXPENSES.

SEC. 8. The city comptroller shall, on or before the tenth (10th) day of September of each year, report to the city council an estimate of the current expenses of the city and the several wards thereof, for the fiscal year commencing on the first (1st) day of March next ensuing, together with a statement of the amount of all revenues received by the city for the year ending on the first (1st) day of September, from other sources than taxation. He shall also, as soon as may be after the State board of equalization shall have completed its adjustment of the assessment of the taxable property in said city, report to the city council a computation of a rate of tax-levy which, with the amount of revenue received by the city for the last year, reported as aforesaid and applicable to the current expenses of the city, shall be sufficient to defray the current expenses of the city for the next fiscal year, according to the aforesaid estimate, and, at the same time, a computation of the amount of tax levy on the several wards of the city necessary to defray the expense of such wards, according to his said estimates.

## REVENUES OF THE CITY, TO WHAT FUNDS APPLIED.

SEC. 9. The revenues of said city derived from licenses, rents, fines, except such fines collected from keepers or inmates of houses of prostitution as may be otherwise provided for, and all costs and judgments collected in favor of said city, shall be devoted to the current expenses of the city. All receipts from sales of property shall be applied to the permanent improvement fund.

## LEVY OF TAX FOR CURRENT EXPENSES.

SEC. 10. After the making of the reports of the city comptroller, provided for in section eight (8) hereof, the city council shall levy such tax on all the taxable property in said city as it shall deem necessary, in addition to the other revenue of the city applicable thereto, to defray the current expenses of the city for the next fiscal year, but no such taxes for such current expenses shall in any year amount to more than one-half ( $\frac{1}{2}$ ) per cent. of the assessed valuation.

## COMPTROLLER TO REPORT EXPENSES OF FIRST QUARTER OF FISCAL YEAR.—DUTY OF COUNCIL TO REDUCE EXPENSES.

SEC. 11. The city comptroller shall, as soon as may be after the first (1st) day of June of each year make report to the city council of the actual expenses of the city for the first quarter of the

then current fiscal year, the amount of taxes collected and outstanding, and of the revenues received from other sources, and if upon the making of such reports it shall appear that the current expenses for such quarter have exceeded the estimates upon which the tax levy therefor was based, or that the revenues or said city are likely to fall short of their estimated amount at the time of making such tax levy, the city council shall forthwith proceed to reduce the current expenses of said city, in such manner as may be deemed advisable, and for that purpose may diminish the amount of service for lighting streets, reduce the force or number of men employed in the several departments of the city except the fire department, but in the discharge of such employees said city council so far as may be, provide that such discharge shall be operative only during the summer months of the year, and when necessary, for the proper reduction of such expenses, may reduce the salaries or compensation of all officers and persons employed by said city, by a uniform rate not exceeding ten (10) per cent. of such salaries or stated compensation. In all future contracts for lighting streets the right of the city to reduce the amount of service on account of deficiency of revenues shall be reserved.

#### LEVY OF WARD TAXES.

SEC. 12. The city council shall also at the time of making such levy for current expenses, and upon the recommendation of a majority of the aldermen of each of the several wards of the city, levy upon the taxable property in such wards such tax, not exceeding one-fourth ( $\frac{1}{4}$ ) of one (1) per cent. of the assessed valuation of such wards as may be necessary to defray the expenses of such ward for the next fiscal year.

#### LEVY OF TAXES TO PAY INTEREST AND PRINCIPAL OF CITY DEBT.

SEC. 13. The city council shall also at the same time levy, upon all the taxable property in said city, such taxes as shall be sufficient to pay the interest to become due during such next fiscal year upon all the bonds or debt of said city, and an additional tax of one mill on a dollar of the assessed valuation of all such taxable property to provide for the principal of said bonds or debt when the same shall have become due, and the amounts collected pursuant to this section shall not be applied to any other purpose than herein named, but this restriction shall not prohibit the investment of the sinking fund hereinafter provided for.

#### COUNCIL TO PROVIDE FOR MAINTENANCE OF SINKING FUND.

SEC. 14. In order to provide for the certain payment of the

bonds and debts of the city. The city council is authorized to maintain the sinking fund already established, and to provide by ordinance for the care, investment and security thereof, and from time to time to amend such ordinances in such manner as may be necessary or expedient, but shall have no authority to abolish such sinking fund until all the debts of the city are fully paid, nor shall it divert said fund or any revenue or increase thereof to any other purpose. All amounts, if any there be, collected of the tax to pay the interest on the bonds of the city in excess of the amount of such interest, the whole amount of the one mill levy for the payment of the bonds of the city provided for in the preceding section, and all revenues of the city not otherwise appropriated, shall be applied to the increase of such sinking fund.

The city council shall by such ordinance provide for and appoint a board of sinking fund commissioners, consisting of three persons, determine the time such commission shall serve and define such of their duties as are not herein enumerated. Such commissioners shall have charge of said sinking fund, and by and with the consent of the city council invest the same in the bonds of the said city, or such other bonds as are permitted for the investment of the permanent school fund of the State of Minnesota, or in the bonds of any city in the State of Minnesota having a population of five thousand or more, or in such county or school bonds in the State of Minnesota as may be approved. In case of investment in the bonds of said city the same shall not be canceled but shall be held by said commissioners and the interest thereon paid over and applied to the increase of such sinking fund. Whenever the principal of any of the bonds of the city shall become due such commissioners shall, by and with the consent of the city council, dispose of such of the bonds belonging to such fund as with the money on hand belonging to the same shall be necessary to pay such bonds. Whenever the amount of such sinking fund shall with the interest or revenue thereof computed to the time of maturity of the bonds or debt of the city, be sufficient to pay all of said bonds or debt at the maturity thereof, the levy of the one mill tax aforesaid may be omitted, but in case by reason of decrease of interest or depreciation of investments or other cause, said fund shall not be sufficient the same shall be resumed.

In case the city council, sinking fund commissioners, or other city officers shall violate or neglect to conform to any of the provisions of this section, any tax-payer of the city, or any owner of any of the bonds of said city, shall have the right to maintain, in any court of competent jurisdiction, any appropriate action to enforce compliance therewith.

The substantial maintenance of the provisions of this and the preceding section for the payment of the principal and interest of the bonds or debt of said city, is hereby declared to be part of the contract with the holder of any bonds of the city that may hereafter be issued, and shall be kept inviolate.

MAY REFUND DEBT NOT PAID BY SINKING FUND: NO OTHER BONDS  
TO BE ISSUED OR DEBT CONTRACTED.

SEC. 15. Whenever the sinking fund, provided for in section fourteen (14) hereof, shall be insufficient to pay all the bonds of the city that may at any time become due, the city council may issue the bonds of the city, to run not exceeding thirty years, on such terms as to place of payment and rate of interest as may be deemed advisable, to such amount as may be necessary to meet such deficiency, but neither said city council, nor any officer nor officers of said city, shall otherwise, without special authority of law, have authority to issue any bonds, or create any debt, or any liability against said city in excess of the amount of revenue actually levied and applicable to the payment of such liabilities.

PERMANENT IMPROVEMENT FUND HOW ESTABLISHED AND MAINTAINED.

SEC. 16. The city council is hereby authorized to issue the bonds of said city to an amount not exceeding forty thousand dollars, for such time, not exceeding thirty years, and on such terms as to rate of interest, and place, and manner of payment, as may be deemed advisable, and to put the avails thereof into the treasury of said city, to be kept distinct from all other funds of the city, and designated as the permanent improvement fund. The city council may provide for the payment out of said fund of the expenses of any such improvement as may be assessed in whole or in part upon any special property to be benefited by such improvement, and in advance of the collection of such assessments.

From said fund shall also be paid all such portions of the expenses of such assessable improvement as shall devolve on said city, and also the expense of all bridges, buildings, water works and other permanent improvements not otherwise specially provided for by law. No part of such fund shall ever be applied to the payment of the current expenses of said city, nor to any other purposes than such as are herein designated. All sums collected upon special assessments, whose costs shall have been advanced out of such fund, shall be returned to said fund. The city council shall annually, at the time of making the other tax levies of said city, levy a tax sufficient to replace all expenditures made from said fund, not provided for by such special assessments, and may by tax levy provide for the increase of such fund to such amount as may be deemed necessary, provided that the whole amount of tax levied in any year, on account of such fund, shall not exceed one fourth of one per cent. of the assessed valuation of the taxable property in said city.

COMPTROLLER TO REPORT DEFICIENCIES, AND WHEN NOT TO  
COUNTERSIGN CONTRACTS.

SEC. 17. Whenever the amount contracted or appropriated to

be expended out of such permanent improvement fund or of any ward fund shall be equal to the amount of such fund actually on hand and one third of the amount of uncollected taxes levied for the current fiscal year as aforesaid, and applicable to such fund, or when the amount called for by any proposed contract shall, together with the amounts previously appropriated or contracted for, exceed the amount of such fund on hand, and such one-third of the uncollected taxes, the city comptroller shall forthwith notify the city council of such fact, and he shall not countersign any contract payable out of such fund until the amount of such fund on hand, with one-third of the amount of uncollected taxes aforesaid, shall be sufficient to meet the liabilities created by such contract in addition to all liabilities previously contracted for, and he shall never countersign any contract payable out of the revenues of any other fiscal year than the one in which such contract shall be performed. He shall countersign no order upon the treasury until there shall be money in the treasury belonging to the proper fund wherewith to pay the same, and all orders on the treasury shall be countersigned in the order in which the claims are allowed, upon each fund respectively.

#### HOW TAXES LEVIED.

SEC. 18. All taxes shall be levied by resolution of the city council, and no tax shall be invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the sum is levied, but in such case the surplus shall go into the fund to which such tax belongs and may be applied to the further uses of such fund.

#### STATEMENT OF TAXES LEVIED TO BE RETURNED TO COUNTY AUDITOR.

SEC. 19. The city council shall cause to be transmitted to the county auditor of Hennepin county, on or before the tenth day of October of every year, a statement of all taxes by it levied, and such taxes shall be collected and the payment thereof be enforced with and in like manner as state and county taxes are paid and the payment thereof enforced.

#### AVAILS OF TAXES TO BE PAID TO CITY TREASURER.

SEC. 20. The county treasurer of said Hennepin county shall pay over such taxes, together with all interest and penalties which shall be collected on account of the same, when collected, to the treasurer of said city, and in the several settlements of the funds to be so paid over as provided for by general law, said county treas-

urer shall account for and pay over to the city treasurer such portions of the interest paid by bankers with whom funds of said county are deposited, as have accrued upon funds arising from city taxes and assessments so deposited, with such county funds or as parts thereof.

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

#### COUNTY AUDITOR TO MAKE RETURNS TO COMPTROLLER.

SEC. 21. It shall be the duty of the county auditor of the county of Hennepin to make out and transmit to the city comptroller of said city, on or before the first (1st) day of December of each year, a statement showing the exact amount of taxes levied on account of the several funds of said city, and each ward thereof, and of the board of education of said city, according to the tax lists made out by said auditor, and at the same time make out and transmit to said comptroller a statement of all abatements, corrections or additions to said tax lists, and of all amounts of all taxes canceled as uncollectable, within the year next preceding, and the several amounts of such changes affecting each of said several funds; and also a further statement of the amounts of taxes delinquent and outstanding applicable to said several funds, and in such statement to be made on the first (1st) day of December, A. D. 1881, he shall also state the said several amounts so delinquent on the tax lists for the years 1878, 1879, and 1880, and of 1877, and prior years. He shall also, at the time of making settlements with the county treasurer required by law, furnish said comptroller with a certified statement of the several amounts collected by said county treasurer on account of each of said several funds as shown by such settlements.

#### NO MONEY TO BE PAID OUT OF CITY TREASURY EXCEPT ON ORDERS.

SEC. 22. No money shall be paid out of the city treasury, except for principal or interest of bonds, unless such payment shall be authorized by a vote of the city council, and shall then be drawn out only upon orders signed by the mayor and clerk and countersigned by the comptroller, which orders shall specify the purpose



for which they were drawn, and the fund out of which they are payable, and the name of the person in whose favor they may be drawn, and may be made payable to the order of such person or to the bearer, as the city council may determine.

#### ORDERS TO BE CANCELED.

SEC. 23. When any such order shall have been paid to or received by the treasurer, it shall not again be issued, but he shall immediately cancel the same and file the same away in his office, keeping the orders drawn upon each fund separately.

#### EXAMINATION AND DESTRUCTION OF CANCELED ORDERS.

SEC. 24. The city council may provide for the examination from-time to time of such canceled orders, and also of canceled bonds or other obligations in the hands of the treasurer and for their destruction, preserving such record or vouchers thereof as the city council or any committee thereof may deem proper.

#### BANKS TO GIVE BONDS FOR DEPOSITS OF CITY FUNDS.

SEC. 25. Any bank in Hennepin county with a capital stock equal to or exceeding fifty thousand dollars which desires to receive on deposit, as provided in this act, a portion of the funds in the hands of the city treasurer of said city, shall, prior to the first (1st) Monday in April, A. D. one thousand eight hundred and seventy-nine (1879), file with the city comptroller of said city an application for such deposits, stating that they will furnish good and sufficient bonds payable to the city of Minneapolis for double the amount of money likely to be received, and conditioned for the safe keeping and payment of the funds so deposited and interest thereon; and that they will pay interest on such deposits as provided in this act. The applications so filed shall be presented to the city council, who shall determine upon the amount of bonds which shall be required of each bank, and the city clerk shall notify the banks thereof. The banks shall then execute such bonds with three or more securities, and present them to the city council for approval; and all of such banks which shall furnish bonds which shall be approved by the city council shall be designated by the city council as depositories for funds in the city treasury.

#### CITY FUNDS TO BE DEPOSITED.

SEC. 26. After such designation shall have been made, all the

funds then in the hands of the city treasurer, or thereafter received by him, shall be deposited in the banks designated, in the name of the city of Minneapolis, and subject to the order of the city treasurer; and the funds so deposited shall be distributed as near as may be in proportion to the paid up capital stock of the banks receiving such deposits.

INTEREST TO BE PAID ON DEPOSITS.

SEC. 27. The banks receiving such funds on deposit shall pay interest on the same at the rate of three (3) per cent. per annum on daily balances, which interest shall be computed at the end of each calendar month, and placed to the credit of said city at that time; *provided*, that if the city treasurer shall at any time receive, or have in bank, funds which will probably remain on deposit three (3) months or longer, instead of leaving such funds deposited in open account he shall take therefor certificates of deposit, payable to his order on demand, and bearing interest from date at a rate not less than four (4) per cent. per annum, and at such higher rate as he may be able to negotiate for; *provided further*, that the total amount deposited in any bank (both on open account, and on certificates of deposit), shall not at any time exceed one-half the amount of the bonds of said bank to the city.

CITY TREASURER TO MAKE MONTHLY STATEMENTS OF DEPOSITS.

SEC. 28. The city treasurer shall make monthly statements of the amount of money deposited as hereinbefore provided, giving the amount deposited in open account, and in interest bearing certificates, in each bank separately, and file such statement with the city clerk, who shall present the same to the city council at its next regular meeting thereafter; and the city clerk shall furnish a copy thereof to any local newspaper applying therefor for publication, free of charge.

CITY TREASURER NOT LIABLE FOR LOSS OF DEPOSITS.

SEC. 29. When the funds in the hands of the city treasurer shall be deposited as hereinbefore provided, such treasurer and his bondsmen shall be exempt from all liability therefor by reason of the loss of any such deposited funds from the failure, bankruptcy, or any other acts of any such bank or bankers, to extent and amount of such funds in the hands of such bank or bankers at the time of such failure or bankruptcy.

TREASURER TO NEGOTIATE WITH BANKS OUTSIDE OF HENNEPIN COUNTY IN CERTAIN CASES.

SEC. 30. If all the banks of Hennepin county shall decline to

give bonds and receive deposits as provided in this act, or if the bonds offered shall not be of sufficient amount to cover and make secure the deposits to be made, then the city treasurer, with a committee of the city council, shall negotiate for such deposit or such part thereof as they may deem necessary, with any bank or banker outside of Hennepin county, which will give bonds, with sureties to be approved by the city council; and in case such negotiation be made and bonds accepted then the city treasurer is hereby authorized to deposit the funds of said city in such bank, in the same manner as in banks mentioned in section ten (10) of this chapter. *Provided*, that no bank outside of Hennepin county shall be so selected unless it have a paid up capital of not less than fifty thousand dollars.

#### CITY TREASURER TO MAKE EFFORTS TO SECURE INTEREST.

SEC. 31. It is hereby made the duty of the city treasurer to make every endeavor to secure interest on the public funds, consistent with their safe keeping, as herein provided; and to manage such funds in the interest of the city. But he shall in no case postpone or defer any payments after the same shall become due, in order to secure additional interest on such funds. At the close of each fiscal year, the city treasurer shall make a statement of the total amount of interest on public funds received by him during the year, and such interest shall be placed to the credit of the several funds from which it shall accrue.

#### NEWLY ORGANIZED BANKS MAY APPLY FOR DEPOSITS.

SEC. 32. Any bank in Hennepin county, newly organized, or which has not before received any of the city funds on deposit, having a paid up capital of not less than fifty thousand dollars, may at any time make application to the city council for the deposit of a portion of the city funds, and if they shall give bonds which shall be approved by the city council and comply with the conditions of this act, the city council may designate any such bank as a depository of such funds, as provided in section twenty-four (24) of this chapter.

#### CITY COUNCIL MAY REQUIRE ADDITIONAL BONDS.

SEC. 33. Whenever, from the change in the financial ability of sureties, or from other causes, the city council shall deem the bonds of any bank insufficient security for the funds therein deposited or liable to be deposited by the city treasurer, the city council shall require a new bond with sureties to be approved by the city council, to be given by such bank, and if such bank shall

fail to promptly execute and present such new bonds, the city treasurer shall at once withdraw all deposits from such bank, and such bank shall cease to be a depository of city funds, until it shall be reinstated as such by vote of the city council upon the execution of bonds, which shall be approved by the city council.

BONDS TO CONTINUE IN FORCE AND BE RECORDED.

SEC. 34. All bonds given by banks as provided in this chapter shall continue in force so long as funds of the city or of which the city treasurer is the custodian in any way, deposited in such bank, shall be unpaid by the banks giving such bonds. And the city council, at its second regular session in the month of March in each year, shall examine all the bonds in the hands of the city treasurer, and if any are deemed insufficient, they shall require new bonds to be executed; and the council may make such examination and orders at any other time. All of such bonds given by banks under the provisions of this chapter shall, upon being approved by the city council, be recorded by the city comptroller, and then deposited with the city treasurer for safe keeping; and the record of such bonds so kept by the city comptroller, or copies thereof certified by that officer, shall be competent and *prima facie* evidence of the contents and tenor of such bonds.

DISPOSITION OF FINES FROM PROSTITUTES.

SEC. 35. The city council is authorized to appropriate and set apart the whole or any portion of the fines which may be collected from keepers or inmates of houses of ill-fame, or from persons resorting to such houses, for the use and support of any institution in said city established for the care and reformation of fallen women, or [for] the building and maintaining of a city hospital.

APPROPRIATIONS, FROM WHAT FUND PAID.

SEC. 36. All appropriations and expenses of the city not otherwise specially provided for, shall be paid out of the fund for the current expenses of the city.

LEVY OF TAXES FOR PAYMENT OF JUDGMENT.

SEC. 37. No limitation or restriction herein shall be construed to prohibit the levying of taxes to pay any judgment that may at any time be recovered against said city, but in case of such judgment the city council shall at the time of making the last annual

tax levy after the rendition of such judgment levy and assess a special tax upon all the property in the city or such ward thereof as may be responsible for the payment of such judgment, sufficient to pay such judgment. In case of failure to collect taxes or other cause, such levy shall prove insufficient, new taxes shall be levied until the whole of such judgment is paid. Any excess of the amount so levied and collected over the payment of such judgment shall be credited to the current expense fund of the city, or the funds of the proper ward, as the case may be.

#### CHAPTER 6.

#### POLICE DEPARTMENT.—MAYOR TO HAVE CONTROL.—APPOINTMENT AND REMOVAL OF OFFICERS.

SECTION 1. The mayor shall have control and supervision of the police of the city. He shall, by and with the consent of the city council, appoint all police officers and watchmen, and he may remove or discharge any police officer or watchman whenever in his opinion the welfare of the city may demand it, either for the appointment of other officers in their places, or for the reduction of the police force.

#### POLICEMEN FOR LIMITED DISTRICTS.

SEC. 2. The mayor may likewise at the request of any person, firm, society or organization, appoint policemen or watchmen who shall serve without expense to the city, and have police powers to preserve the peace and protect [the] property within such limits and at such places as may be designated in such appointment, but such limited policemen or watchmen shall not exercise any authority nor wear any badge of office outside the limits named in such appointment.

#### SPECIAL POLICEMEN.

SEC. 3. The mayor may in case of riot, large public gatherings or other disturbances, appoint such number of special or temporary police officers as he may deem necessary, but such special or temporary appointments shall not continue more than one week without the consent of the city council.

#### OFFICERS OF THE POLICE AND THEIR RANK DESIGNATED BY MAYOR.

SEC. 4. The mayor shall in his appointments designate one officer to be chief of police, and such other officers for the perform-

ance of special duties, and with such control over other officers or watchmen as may be deemed necessary, and may designate the rank of such police officer by such proper title as he shall select.

#### POLICE POWERS.

SEC. 5. All police officers and watchmen of the city shall possess the powers of constable at common law or by the laws of the State, and in addition thereto shall have the power, and it shall be their duty, to execute and serve all warrants, process, commitments and all writs whatsoever issued by the municipal court of this city; and they shall have the power with the consent and by the direction of the mayor, to pursue and arrest any person fleeing from justice in any part of the State. They shall also have power, and it shall be their duty, to serve all summons of subpoena in behalf of said city, within their jurisdiction. When such officers perform the duties of constables within the city for private parties, the city shall be entitled to like fees for their services, to be taxed and collected in like manner.

When they pursue criminals outside the city, and such criminals are charged with offenses against State laws, they shall be entitled to receive for their own use all fees for such pursuit and all rewards offered for the apprehension of such criminals.

#### POLICE REGULATIONS.

SEC. 6. The mayor shall, with the consent and approval of the city council, from time to time make such regulations for the control of the police force, and the powers and duties of the several officers thereof, as he may deem necessary, and in like manner alter the same. Such regulations may designate the uniforms, badges, arms, discipline, drill and exercise of the police force, as well as the conduct of the officers and men of said force when on or off duty, and all other matters deemed necessary to promote the efficiency of the force.

#### OFFICERS OF THE PEACE.

SEC. 7. The mayor, or acting mayor, chief of police, the officers of police next in rank to the chief, the sheriff of Hennepin county and his deputies, the coroner, the judge of the municipal court, and all police officers and watchmen shall be officers of the peace, and may command the peace, suppress in a summary manner all rioting or disorderly behavior within the city limits, and for such purposes may command the assistance of all by-standers and, if need be, of all citizens and military companies, and in cases

when the civil authorities may be required to suppress riot or disorderly behavior, the superior or senior officer present, in the order mentioned in this section, shall direct the proceedings.

PENALTY FOR REFUSING TO AID IN KEEPING THE PEACE.

SEC. 8. If any person, by-stander, military officer or private, shall refuse to aid in preserving the peace when thereto required as designated in the foregoing section every such person shall forfeit and pay a fine of fifty dollars (\$50) to be recovered by prosecution in the municipal court.

PENALTY FOR ASSUMING TO ACT AS A POLICEMAN WITHOUT AUTHORITY.

SEC. 9. If any person shall without authority assume to act as policeman, or to pretend to have such power, or wear the badge of policeman within said city, he shall be deemed guilty of a misdemeanor, and upon conviction thereof before the municipal court, he shall be fined or imprisoned in the discretion of said court.

CHAPTER 7.

FIRE DEPARTMENT.—POWER TO ESTABLISH FIRE LIMITS.

SECTION 1. The city council for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of all other materials that shall not be considered fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, or of such materials and with such precaution against fire as the city council shall by ordinance prescribe, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits when the same shall be damaged to the extent of fifty (50) per cent. or more of the value thereof, and to prescribe the manner of obtaining the consent to make repairs in such fire limits, and of ascertaining the extent of damages.

POWERS OF CITY COUNCIL TO PREVENT FIRES.

SEC. 2. The city council shall have power to prescribe in what manner, and of what material chimneys shall be constructed, and to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed or placed in secure condition when considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing

of ashes in the streets and highways, to compel the use of spark arresters in all smoke stacks connected with apparatus where light fuel is consumed, to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, and the storing of inflammable or explosive materials, and the use of fire works and fire arms. To regulate and prevent the sale, or keeping for sale, or use of any fire-works, Chinese crackers, rockets, torpedoes or other explosive contrivances, and to provide for the seizure and destruction of the same. Also to compel owners of buildings to have scuttles in roofs and stairs and ladder to the same and compel owners of buildings of three or more stories in height to maintain ladders or fire escapes, and to regulate the number and location thereof; to regulate the location and construction of smoke houses, and to prohibit them where they shall be deemed dangerous to other buildings, and to make any other provisions to guard against fire, or to prevent the spreading of fires, which the city council may deem proper.

#### CITY COUNCIL TO HAVE POWER TO PURCHASE FIRE APPARATUS.

SEC. 3. The city council shall have power to keep and maintain fire engines and other fire apparatus, and to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes and every other means of giving notice of fires.

#### REGULATION OF FIRE DEPARTMENT BY ORDINANCE.

SEC. 4. The city council shall have power and authority to make by ordinance all needful rules for the government of the fire department and for the protection and use of all engine houses, telegraph lines, and other property and apparatus pertaining thereto, and of the water works, mains, pipes, cisterns and hydrants in said city, as used in connection with said department, and by such ordinance provide for the punishment of persons injuring or interfering with such property or any portion thereof, and may also by such ordinance make provision to keep away from the vicinity of any fire all idlers and suspected persons, and to compel all bystanders to aid in the preservation of property exposed to danger by such fire.

#### CHIEF ENGINEER AND OTHER OFFICERS.

SEC. 5. The city council shall annually appoint a chief engineer of the fire department and provide by ordinance for such other officers and men as may be deemed necessary for such department, and define the respective ranks and duties of such chief engineer and other officers and men and their compensation.



## APPOINTMENT AND REMOVAL OF OFFICERS AND MEN.

SEC. 6. The chief engineer shall nominate for the approval of the city council all other officers and men connected with such department, and may at any time, by and with the consent of the standing committee on fire department of city council, remove or discharge such officers or men as he may deem it for the interest of the city to discharge, and whenever the city council shall deem it necessary to reduce the number of men employed, said chief engineer shall, upon the direction of city council, recommend the discharge of such officers or men as can be released without impairing the working efficiency of such department.

## FIRE MARSHAL.

SEC. 7. The city council may designate such officer of the fire department as it may select to act as fire marshal of the city, to see that the ordinances of the city relating to the building and care of chimneys, and respecting all other precautions against danger from fire are not violated, and who shall have power and be fully authorized to enter any dwelling house or other building at all hours, between seven o'clock in the morning and six o'clock in the evening, and examine all chimneys, stoves, furnaces, pipes and other parts of such buildings, and see that the ordinances of the city respecting the same are enforced. It shall further be the duty of such fire marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same and make report thereof to the council at the first regular meeting in every month.

## FIRE POLICE.

SEC. 8. Whenever the city council shall deem it necessary it may provide for a fire police of such numbers and with such powers as it may determine, and for that purpose it may either give police powers to such of the officers or men of the fire department as may be necessary, or authorize the appointment of the necessary policemen in the same manner as other policemen are appointed. In all cases, all policemen present at any fire shall be subject to the direction of the officers of the fire department present at such fires.

## PENALTY FOR REFUSING TO OBEY ORDERS AT A FIRE.

SEC. 9. If any person shall, at any fire, refuse to obey the orders of the chief engineer of the fire department, or other officer vested with authority at such fires, such person may be arrested by

the direction of the officer whose orders are so disobeyed, and, upon complaint made before the municipal court of said city, shall be punished by fine not exceeding fifty dollars (\$50) and costs of prosecution, and imprisonment until such fine and costs are paid, not exceeding sixty (60) days.

#### EXPENSES--HOW PAID.

SEC. 10. All expenses of the fire department and all amounts paid for the purchase of fire apparatus, or any property for the use of the fire department, or the erection of any telegraph, shall be paid out of the funds devoted to payment of current expenses of the city. The construction of engine-houses or other buildings for the use of such department may be paid for out of the permanent improvement fund of the city.

#### WOODEN SIDEWALKS PROHIBITED.

SEC. 11. The city council shall have power to prohibit the construction of wooden sidewalks within the fire limits of the city, whenever it shall deem the safety of the city to require it.

### CHAPTER 5.

#### STREETS, SIDEWALKS AND BRIDGES—CITY COUNCIL TO HAVE CONTROL.

SECTION 1. The city council shall have the care, supervision and control of all highways, streets, alleys, public squares and grounds within the limits of the city, and may lay out and open new streets and alleys, and extend, widen, straighten, and may build, maintain and repair bridges across streams or railway tracks, may provide for the pavement of gutters or the road beds of any street or alley.

#### ESTABLISHMENT AND CHANGE OF STREET GRADES.

SEC. 2. The city council shall have power to establish the grade of any street when such grade has not been established, and may by vote of two-thirds of the members of the council change the grade of any street after such grade has been established. It shall cause accurate profiles of the grades of all streets to be made, and kept in the office of the city engineer.

#### VACATING STREETS—POWER OF COUNCIL EXCLUSIVE.

SEC. 3. The city council may also by a vote of two-thirds of the

members thereof vacate any highway, street, lane or alley, or portion of either; and such power of vacating highways, streets, lanes and alleys within the city of Minneapolis is vested exclusively in said city council, and no court or other body, or authority shall have any power to vacate any such highway, street, lane or alley, nor any plat or portion of any plat of lands within said city.

COUNCIL MAY CONTRACT FOR CLEANING STREETS BY DISTRICTS.

SEC. 4. The city council shall have power to designate districts of portions of the streets and alleys of the city, for the purpose of cleaning the same, and may provide for the cleaning of such districts by contract on such terms as shall be deemed advisable.

WORK TO BE DONE BY CONTRACT.

SEC. 5. All work done or constructions made, pursuant to the provisions of this chapter, shall, so far as practicable, be done by contract, and of all contracts calling for the expenditure of one hundred dollars or more, public notice shall be given and proposals invited for the same in such a manner as the council shall direct.

STREET COMMISSIONERS.

SEC. 6. The city council shall, at its first meeting, after each annual election, appoint three street commissioners for the city, whose term of office shall be for one year. It shall be the duty of such street commissioners to see that all streets and sidewalks under their charge which have been graded and opened for travel are kept clear from obstruction and in such repair as to be safe and passable; also, to superintend, subject to the directions of the city engineer, the grading of streets and laying of sidewalks, and to carry into effect all orders of the city council. But no street commissioner shall do any work upon streets except such as is necessary to keep traveled streets and improved sidewalks in repair and passable condition, and unless such work is especially ordered by the city council. The street commissioners shall keep accurate accounts of all their work and expenditures, and make detailed and itemized reports thereof to the city council at least once in every two months, and oftener if ordered by the council. And no bill for compensation to such street commissioner shall be allowed unless the same shall be accompanied or preceded with full and itemized reports of his work and expenditures up to the time of rendition of such bill.

NO STREET COMMISSIONER TO HAVE INTEREST IN ANY WORK.

SEC. 7. No street commissioner shall be interested in any con-

tract for any work to be done under his charge, nor be allowed compensation for any use of team, owned by himself or in which he shall have any interest, nor for any material or labor furnished by him, except his personal services, nor shall he receive directly or indirectly any commission, gratuity, money, or valuable thing from any person doing work or furnishing material for any work or construction under the charge of such street commissioner or any other street commissioner or the city engineer of the city.

#### PENALTIES.

SEC. 8. If any city engineer, street commissioner, or any other officer of the city shall have any interest in any contract work or construction done pursuant to this chapter, all such contracts shall be void, and all such work done, material furnished or applied for the use of the city, shall be forfeited, and every such city engineer, street commissioner or other officer who shall accept any gift or gratuity, or any commission from any person having contracts with said city, or furnishing material or performing labor under the provisions of this chapter, which contract, material or labor shall be under the charge or supervision of such engineer, commissioner or other officer, or subject to acceptance by them, or either of them, shall be punished in the same manner as provided by law for the acceptance of bribes by public officers.

#### BRIDGES AND STREETS. FROM WHAT FUNDS MAINTAINED.

SEC. 9. All bridges in said city crossing the Mississippi river, or any natural stream or water-course in said city tributary to said river, whatever the form or material used in the construction thereof, shall, together with the guards and embankments connected therewith, and the immediate approaches thereto which form a necessary part of the same, and also all such bridges crossing railway tracks, canals and the approaches thereto or any portions thereof as shall not be chargeable to any railway company, be built, maintained and kept in repair by the city, as a general city charge; all other expenses connected with the opening, grading and keeping in repair streets, lanes, alleys, highways and thoroughfares, shall be paid from taxation upon the several wards wherein such works shall be done, except where other provision is made therefor.

#### POWER TO OPEN NEW STREETS AND ASSESS EXPENSES.

SEC. 10. Whenever the city council shall determine to lay out or open new streets or alleys in said city, or to widen, straighten or extend any that now exist or may hereafter exist, it may, for such

purposes, purchase or condemn any real estate or interest therein which is private property, and provide for the payment of the value of such property as may be taken for such improvement, and all damages done to any private property by reason of such improvement, and the expense of making such improvement by assessing, levying and collecting the whole expense of such improvement, or such parts thereof as may be considered equitable, upon the property to be benefited by such improvement, without regard to cash valuation; but no assessment for such improvement shall exceed the actual benefit to the property upon which the same shall be assessed, and in case the whole extent of such improvement shall exceed the benefits accruing therefrom to any specific property, the excess of such expense shall be made a general city charge and be paid as current expenses of the city. Nothing in this section shall be construed as permitting the condemnation of any ground of any cemetery or burial place and occupied for such purposes, without the consent of the owners of such ground.

#### PAVEMENTS.

SEC. 11. The city council is hereby authorized in its discretion to cause to be paved, repaved or macadamized any street or alley or any part thereof in the city, or any gutter along any side of any street or alley or any portion thereof, in such manner as it may direct, and to collect the expense and cost of the same by special assessment upon the property fronting upon such improvements on the same side of the street, but the expense of paving or otherwise improving the crossings of such streets and of such improvements as shall be in front of the property exempt from such assessment or belonging to the city shall be paid from the permanent improvement fund of the city. No assessments shall be made for paving or macadamizing any ground occupied by railway tracks or lying between such tracks.

#### SIDEWALKS, HOW MAINTAINED.

SEC. 12. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said city, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owner respectively as may have been heretofore constructed, or as shall hereafter be constructed, or directed by the city council to be built, and of such material and width, and upon such place and grade as the city council may by ordinance or otherwise prescribe. Whenever the city council shall deem it necessary that any sidewalk in the city of Minneapolis shall be constructed or reconstructed, it shall by resolution direct such construction or reconstruction, specifying the width thereof and the material of which the same is to be

constructed. The publication of such resolution once in the official paper of the city shall be sufficient notice to the owners of the land along which such 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 two weeks after the publication of such resolution as aforesaid, the city council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way as in all things as is provided for the collection of special assessments under the provisions of chapter ten of this charter. And the city council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such lands fronting on the same, and all street crossings, to be built by the proper street commissioner, or upon contract, or by any other person as the council may determine.

#### REPAIRS OF SIDEWALKS.

SEC. 13. 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 proper street commissioner to immediately repair the same in a good substantial and thorough manner, and to report to the city council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be carefully filed and preserved by the city clerk; and the city council shall once in each year, at or as near as conveniently may be, the time of levying the yearly city taxes, assess and levy upon each of the lots and parcels of land fronting or abutting upon sidewalks which have been so repaired by street commissioners the cost of making such repairs. In each case such assessments for all such repairs within the year may be combined in one assessment roll and be collected as provided for in chapter ten of this charter. In case any such sidewalk shall become so out of repair as to become dangerous, and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the proper street commissioner to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.

#### LIABILITY FOR INSUFFICIENT SIDEWALK.

SEC. 14. It is not only made the duty of all owners of land within said city to keep in good repair all sidewalks constructed or existing along or abutting upon their respective lots and parcels of

land, but such owners are hereby declared to be liable for all damages, to whomsoever resulting, arising from their fault or evident neglect in not keeping any such sidewalk in good repair, and in safe passable condition; and no action shall be maintained against the city of Minneapolis by any person injured through or by means of any defect in any sidewalk, unless the owner of the land along which such sidewalk was so defective is joined in said suit as a party defendant, and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant owning such land, and the city shall not be required to take steps to pay such judgment, until such execution shall be returned unsatisfied: and if said city shall pay such judgment it shall become the owner of the same, and may enforce payment of the same from the other defendant, and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

#### COST OF SIDEWALK—FROM WHAT FUND ADVANCED.

SEC. 15. Moneys to build or repair sidewalks, when the same shall be done by the street commissioner under this act or in case of building by a contractor, may be advanced from the permanent improvemet fund, to be re-imbursed by the special assessment when collected, and the expense of constructing all street crossings of sidewalks, shall be chargeable to the proper ward; and whenever any damages for injuries to any person through or by means of defective sidewalks shall be paid by the city, the money to pay the same shall be raised by taxation upon the ward wherein the injury happened.

#### GROUND TO BE GRADED.

SEC. 16. It shall be the duty of the city council, before ordering the construction of any new sidewalk, to cause the ground on which it is built to be properly graded.

#### STREET SPRINKLING.

SEC. 17. Whenever the owners or occupants of a majority of the amount of frontage, and of assessed values of lots or lands, and the buildings and improvements thereon fronting on any continuous portion of any street in this city, not less than one full block, through or across which the water pipes of the city water works are or may be laid, shall petition the city council to provide for sprinkling such portion of said street, the city council may make a contract for sprinkling such portion of such street for any time not exceeding five years, upon such terms and conditions, and for such portion of each year as shall be deemed advisable.

Water for such sprinkling shall be furnished from the city water works free of charge. The supply of such water shall be deemed the proportion of the expenses for such sprinkling, for the street crossings and all parts of such street fronting on land exempt from assessment. The whole cost of sprinkling such portion of the street shall be levied and assessed upon the lots and lands fronting upon that part of the street so sprinkled and which are subject to assessment, and the buildings and improvements thereon, by an equal rate on the assessed value of such lots, lands, building and improvements without regard to the number of front feet. Such levy to be made annually.

#### LIABILITY FOR OBSTRUCTIONS AND EXCAVATIONS IN STREETS.

SEC. 18. All persons who shall by means of any excavations in or obstruction upon any street of said city not authorized by law or the ordinances of said city, render such street unsafe for travel, or who shall by negligence in the management of any such excavation or obstruction as shall be authorized, or by failure to maintain proper guards or lights thereat, render such street insufficient or unsafe for travel, shall be liable for all damages not caused by the negligence of the party injured, to whomsoever resulting, by reason of such obstruction or negligence, and no action shall be maintained against said city for such damages unless such person or persons shall be joined as party defendants; and in case of judgment against the defendants in such action, execution shall at first issue only against the defendant causing such insufficiency, 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 of the same and may enforce payment of the same from the other defendant and shall be entitled to execution therein against him, and to take such other proceedings as judgment creditors are entitled to take.

#### SERVICE UPON ABSENT DEFENDANTS.

SEC. 19. Whenever any party is joined with said city as co-defendant in any action for the insufficiency of any street or sidewalk, and such party is not a resident of and cannot be found within the state, service of summons in such action may be made upon such defendant upon like evidence, and in the same manner as prescribed by general law for service by publication in other actions.

#### LIMITATION OF ACTIONS.

SEC. 20. No action shall be maintained against the city of Minneapolis on account of any injuries received by means of any



defect in the condition of any bridge, street, sidewalk or thoroughfare, unless such action shall be commenced within one year from the happening of the injury, nor unless notice shall have first been given in writing to the mayor of said city, or the city clerk thereof, within thirty (30) days of the occurrence of such injury or damage, stating the place where and the time when such injury was received, and that the person so injured will claim damages of the city for such injury; but the notice shall not be required when the person injured shall in consequence thereof be bereft of reason. Nor shall any such action be maintained for any defect in any street, until the same shall have been graded; nor for any insufficiency of the ground where sidewalks are usually constructed, when no sidewalk is built.

#### NO STREET RAILWAY TO OBSTRUCT STREETS BY PILING UP SNOW.

SEC. 21. No railway company or street railway company shall have any right, in clearing their tracks through any part of said city, or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in said city. And any such company shall be liable to any person who shall be injured by means of any such obstruction caused by such company, or its servants, for all damages sustained. And in case any damages shall be recovered against the city for injuries caused by such obstruction, the city shall have the right to recover the same again from the company by whom the obstruction was caused.

#### CITY DISTRICTS FOR STREET PURPOSES.

SEC. 22. The city council shall have power to designate by ordinance or resolution such portions of the territory lying adjacent to or outside of the boundary lines of the city as it may deem proper as a city district, and may from time to time extend the limits of such district to include any territory not lying at a greater distance than three (3) miles at any point in direct line from the boundary line of said city, and within said district the city council shall have control of the laying out of streets and alleys and the acceptance of plats of additions and the dedication of property for streets and public grounds therein, and may require that all streets and alleys laid out or donated within such district shall conform to and be continuous with the system of streets and alleys within said city, and to that end may indicate by survey and plat such streets, alleys and the arrangement and dimensions thereof as in its discretion will be best calculated to meet the wants and conveniences of said city and its surroundings or any future extension growth thereof.

The city districts heretofore established shall be continued until modified or extended by said city council.

## PLATS OF ADDITION—HOW MADE AND ADOPTED.

SEC. 23. Whenever any person shall subdivide any lot or piece of ground within said city or city district into building lots for the purpose of selling the same, or any part thereof, he shall cause the same to be surveyed and platted in accordance with the provisions of Chapter XXIX of the General Statutes, and when the survey and plat are so completed and acknowledged it shall be presented to the city council and a copy thereof furnished the city engineer. Said city council may accept or reject said plat, or direct it to be changed or modified in such manner as it shall deem expedient. When any plat is accepted by the city council the city clerk shall so certify upon the face of such plat, when it may be recorded in the same manner and with the same effect as provided by General Statutes in respect to town plats. All the provisions of section 9, chapter 29, of General Statutes shall be applicable to said city or city districts and in addition thereto no person shall be entitled to any damage for the laying out or extension of any street or alley over any lot or parcel of land sold or offered for sale contrary to law.

## EFFECT OF ACCEPTING PLATS.

SEC. 24. The acceptance of such plat or addition of any ground either within or outside the limits of said city shall not make the city liable to grade the streets therein designated, nor responsible for any insufficiency of such street, until the city council shall direct the same to be graded and opened for travel.

## CHAPTER 9.

## WATER WORKS AND SEWERS.

SECTION 1. The city council shall have power to maintain the water works and sewers now established in said city, and to enlarge, extend, relay and improve the same as it shall consider the public good shall require.

SEC. 2. Whenever in the enlargement or extension of water works or sewers, it shall in the judgment of the city council be necessary to take any private property, consisting either of land, buildings, water power or other private property, the city council shall have power to acquire the same by purchase, or by condemnation, in the manner provided in chapter ten (10) of this charter, and in such cases of condemnation, as well as purchase, a full title in fee simple for the property acquired shall vest in said city.

SEC. 3. Whenever water mains shall be laid, relaid or extended through any street or alley of said city, or any portion thereof, the city council shall have the power, and it shall be its

duty, to levy and collect by special assessment, such portion of the cost or expense thereof as shall not exceed the estimated cost of laying a six-inch main (including pipe) by a special assessment upon the property on both sides of such street or alley fronting upon such improvement, of an equal sum per front foot without regard to cash valuation. The cost not provided for by such assessment, including the increased cost of larger mains, and the cost of laying mains upon street crossings, as well as the proportion which would otherwise be assessed against any property which is by law exempt from such assessment, shall be paid out of the water works fund hereinafter provided for.

SEC. 4. The city council may in like manner, whenever it shall deem it necessary, lay, relay or extend any sewer, through any street in said city, and levy and assess, and collect the cost thereof, not exceeding the estimated cost of a sewer two feet in diameter, by a special assessment upon the property on both sides of such street and abutting upon such improvement, of an equal sum per front foot without regard to a cash valuation. The cost not provided for by such assessment, including the increased cost of larger sewers and constructing the same across streets and against property which is by law exempt from such assessment, shall be paid out of the permanent improvement fund of said city. A sewer two feet in diameter is hereby declared to be an ordinary street sewer within the meaning of this act, for the drainage of abutting property.

#### ASSESSMENT FOR SERVICE PIPES.

SEC. 5. Whenever the city council shall deem it necessary to lay service pipes at the same time that pipes are laid in such streets either for water works or sewers, as hereinbefore provided for, to prevent further tearing up of streets, or for other cause, it shall have power to lay and extend such service pipes from such street mains to the line of such street in front of each lot or parcel of land so fronting on such street, and to add to the assessment for such street main the whole cost of each of such service pipes to each lot or parcel of land, without regard to the cash valuation or frontage of such lot or parcel of land, and the location of such service pipe shall be determined by the city engineer.

#### MAY MAINTAIN ACTION FOR CONTRIBUTION TOWARD EXPENSE OF SEWERS DRAINING WET LANDS.

SEC. 6. Whenever any sewer of said city shall be extended to or in the vicinity of any tract of wet or marshy land either within or without the limits of said city, and the city council shall consider that the public health of the city demands the drainage of such wet or marshy land and the extension of such sewer to or

into such land and beyond the lines of the streets of the city, the city council may by resolution therefor direct the commencement of proceedings against the owner or owners of such wet or marshy land, and thereupon said city shall have the right to maintain in the district court of the county of Hennepin, or in any other court of competent jurisdiction, an action against such owner or owners to compel a contribution from them, to defray the expense of extending such sewer to or into such lands, and the additional expense, if any such may be caused by the necessity of enlarging the sewers through the streets of the city from such tract of land to the outlet of such sewer. In such action the court shall have power to direct the joining of other parties to such action as defendants, in such manner as it shall adjudge equitable, and shall make award of such sum or sums of contribution to the expense of such sewer as it shall deem just and in proportion to the benefit to each specific parcel of such wet or marshy land as shall be affected by such sewer, but in no case to exceed the amount of benefit it shall adjudge to accrue to each of such specific parcels by reason of such extension of such sewer.

Such award shall stand as the determination of such court, and said city shall upon the completion of such work have judgment and execution for the several sums so awarded, which judgment shall be a specific lien upon each of the parcels of the land upon which such award shall be made, which lien shall have priority over every other lien or charge upon such parcel, and such judgments may be enforced only against such specific property. If upon the making of such award by said court the city council shall consider the whole expense of such improvement above the amount of such award, to be an excessive burden on the city, it may abandon the proceedings by paying the taxable costs in such action, or it may determine to proceed with part of such work and abandon the remainder thereof, in its discretion, or it may, in its discretion, delay the performance of the work, not exceeding three years.

SEC. 7. There is hereby established in and for the city of Minneapolis a board which shall be styled the board of water commissioners of the city of Minneapolis. Said board shall consist of the mayor of said city, who shall be *ex-officio* a member and the president thereof, and four other members who shall be resident and qualified electors of said city, who shall be appointed by the mayor, subject to confirmation by the city council, at the time of appointment of other city officers in April of each year. In April, of the year 1881, the mayor shall appoint as aforesaid four water commissioners; one for the term of one year, one for the term of two years, one for the term of three years, and one for the term of four years, and thereafter at the same time in every year, the mayor shall so appoint one water commissioner for the term of four years. In case of vacancy in the office of water commissioner from any cause the mayor shall in the same manner appoint a water commissioner for the unexpired term. No water commissioner shall receive any compensation for his services, nor be in-

interested directly or indirectly in any contract entered into by said board of water commissioners, and any contract entered into by said water commissioners in violation of this provision shall be absolutely null, void and of no effect.

SEC. 8. Said board of water commissioners shall have the charge of the construction, maintenance, repair and management of every thing pertaining to the water works of said city, and of all new constructions, additions and alterations, whether of pump houses, mains, hydrants, or other constructions, appliances or machinery connected with said water works, and shall have the supervision and direction of the working and operation of the same; and shall, *in the name of and on behalf of said city, make and execute all contracts* for the construction, alteration and repair of pump houses and of all machinery and appliances connected therewith, and for the laying, relaying and construction of water mains and putting in of hydrants and other appliances connected therewith; and for the purchase of all material necessary to be used about said water works, and all extensions thereof, and have the charge, care and supervision of the execution of all such contracts. Said board shall also have the right to appoint the engineer of the water works, and superintendent of the water works, and employ such other persons as in the judgment of said board may be necessary for the successful operation and management of said water works, and to designate and fix the compensation of the persons so to be appointed or employed by said board, and may remove such persons at its pleasure; *Provided*, that such compensation shall not exceed the limits fixed by this act.

SEC. 9. The superintendent of water works appointed by said board shall also be the secretary of the said board, and shall give such bond to the city of Minneapolis as the said board shall direct and approve for the faithful performance of his duties and the prompt payment by him to the city treasurer of all moneys which shall come into his hands as such superintendent. He shall keep full records of all the proceedings of said board and all contracts by it entered into, and full accounts of all moneys expended by said board, and of all moneys collected from water rents or received into the treasury from any source to the credit of the water works fund. All moneys payable for water rents shall be collected and received by said superintendent, who shall receipt therefor, and promptly pay the same over to the city treasurer, taking his receipt therefor and reporting the same to the city comptroller. All such moneys, together with all moneys which may accrue from any bonds issued by said city for water works purposes, and moneys which may be appropriated by the city council for like purposes, shall by the city treasurer be kept in a separate fund called the water works fund, and shall only be paid out upon orders signed by the president of said board and said superintendent of water works, and countersigned by the comptroller of said city, or in payment of bonds of said city or coupons thereof, in cases where such bonds have been or may be issued on

account of or for the construction, alteration or extension of such water works, all of which bonds and coupons may be paid from said water works fund.

SEC. 10. The said board shall hold stated meetings at such times as it shall by by-law, resolution or otherwise appoint, and special meetings thereof may be called by the president of said board upon two days' notice thereof either served personally upon the members of said board or addressed to such members respectively and deposited in the post office in said city of Minneapolis; and any business of said board may be transacted at any stated or special meeting. The board may in its discretion adopt such rules to govern its deliberations and the manner of transacting its business as it shall determine upon, and three members of said board shall constitute a quorum for the transaction of business. And any special meeting of said board which may be organized when all members of said board shall be present and participate, shall be legal, though no notice of such special meeting was given. It shall be the duty of the city council of said city to provide and furnish with suitable desks, furniture and fixtures, a suitable room for the meeting of said board and office of said superintendent of water works, either in or conveniently near the city hall building of said city.

SEC. 11. The said board shall have the right to determine and direct as to the size and quality of all water mains which shall be laid in said city. And all petitions or propositions for laying of water mains which shall come before the city council shall be by it referred to said board, who shall report thereon to the council, designating the size of main to be laid, in case the laying of main shall be ordered, with such other recommendations as to the said board may seem proper. And whenever the laying of mains shall be ordered by the city council the said board shall at once contract for or cause the same to be laid, provided there are sufficient funds pertaining to said water works fund that can be used for that purpose; and at any rate so soon as the special assessment levied upon abutting property for the laying of such main shall have been collected. All such special assessments shall, when and as fast as collected, be credited to said water works fund, and said board may proceed to lay mains in advance of the collection of the special assessments therefor, whenever there shall be sufficient moneys in said fund in excess of other necessary or estimated demands thereon to enable advances to be made from such fund. But no contract negotiated by said board shall be binding upon said city until the same shall be countersigned by the comptroller, subject to the same rules respecting the possession of funds to meet such contracts as in case of other contracts entered into on behalf of said city.

SEC. 12. If it shall happen at any time, that in the judgment of said board it shall be necessary to make repairs, additions or alterations in any pump house or machinery or water main, where there shall not be sufficient moneys, in said water works fund to defray the costs thereof, said board shall report the facts to the city council, who may thereupon, if said council shall deem proper,

appropriate from the general fund of said city, to said water works fund, sufficient moneys to ensure such repairs.

SEC. 13. All expenses of keeping up and operating said water works, and of constructing, enlarging, altering and keeping in repair pump houses, machinery, hydrants, and laying of water mains, and everything connected with said water works, shall, except so far as the cost of laying water mains, be raised by special assessments upon abutting property, be paid from said water works fund, and any excess of such special assessments shall belong to said water works fund.

SEC. 14. It shall be the duty of said board to recommend to the city council from time to time the rates, which in the judgment of said board, should be fixed by ordinance for the rent of water, and the provisions which, in the judgment of said board, are or will be best adapted to secure prompt payment of water rents and prevent injury or misuse of anything connected with said water works; and it shall be the duty of said board and of the superintendent of water work to see that such ordinances as shall be passed by the city council are obeyed and enforced.

SEC. 15. The owner of private property, which property has upon it pipes connected with the city water works to convey water upon such property, shall, as well as the lessee or occupant of the premises, be liable to the city of Minneapolis for the rents or rates of all water from said water works used upon such premises; which may be recovered in an action against such owner, lessee or occupant, or against any or all of them. The city council may provide by ordinance the rates or rents to be paid for the use of water and the times when the same shall be payable, and for the shutting off of water from any premises where rates are payable and remain unpaid, and for the punishment of all injuries to or unauthorized interference with said water works or anything connected therewith.

#### CHAPTER 10.

#### CONDEMNATION OF PRIVATE PROPERTY AND ASSESSMENTS FOR LOCAL IMPROVEMENTS. GROUNDS FOR PUBLIC IMPROVEMENTS. HOW LOCATED.

SECTION 1. Whenever the city council shall consider it necessary to procure grounds for any public grounds, engine houses, markets, or public buildings, or for water works, or any water power for water works, the city council shall appoint a committee of not less than three of its members who, together with the city engineer, shall make examination and propose to the city council a location and description of land suitable for such public grounds, engine houses, market or other public building, or for water works, as the case may be, and if for water works the amount of water power deemed necessary to be taken and appropriated, and the

most convenient manner of taking and using the same, and present to the city council a plat of the land proposed to be taken, and in their report shall show, so far as the committee shall deem necessary, what canals, tunnels, buildings or structures can be used in the appropriation, and any other matter which the committee shall deem proper for the information of the council, and such committee may present for the consideration of the council more than one location and plat.

#### HEARING ON REPORT OF COMMITTEE.

SEC. 2. Such committee shall file their report with the city clerk of said city, who shall give notice by publication twice in the official paper in said city, that such report is on file in his office for the inspection of all persons interested, and that the same will be presented to the city council for action thereon at a meeting of said council, to be named in such notice, which shall be the regular meeting of said council which shall occur next after one week from the second publication of such notice. At the meeting named in said notice, the city clerk shall next after the reading of minutes of previous meeting, present such report, and the matter may be acted upon by the council at the same or any subsequent meeting. The council, under such rules as it may prescribe, may hear any person interested in the matter, or refer the matter to a committee to hear such persons and report.

#### COMMISSIONERS TO AWARD DAMAGES.

SEC. 3. Whenever the city council shall determine upon the lands, water power and other property to be taken and appropriated, it shall designate the same as nearly as may be convenient, and shall cause such plat or survey as may be necessary to show or explain the same, to be made and filed therewith with the city clerk, and the city council shall then or afterwards appoint five commissioners who shall be freeholders of said city, and no two of whom shall reside in the same ward, to view the lands, water power or other premises to be taken and appropriated and ascertain and award the amount of damages or compensation to be paid to the owners of the property so to be taken and appropriated.

Three or more of such commissioners shall constitute a quorum and be competent to do any act required of such commissioners. They shall be notified by the city clerk by notice to be served on them severally, either personally or through the mail, to attend at his office on or before a day fixed by him, not less than two days after the service or mailing of such notice, to qualify and enter upon their duties; and if any commissioner shall refuse or neglect to attend as aforesaid, he shall forfeit and pay to the city of Minneapolis the sum of fifty dollars (\$50), to be recovered to



the use of said city in a civil action in the municipal court; and in case a quorum of such commissioners shall not so attend at the time and place designated in said notice, the mayor or acting mayor of said city may, in writing, appoint one or more commissioners in the stead of any such absentees. The commissioners shall be sworn by the clerk or any officer authorized to administer oaths, to discharge their duties as such commissioners in the matter, with fidelity and impartiality, and make due return of their action to the city council.

They shall give notice by two publications in the official paper of said city that they will, on a day designated in such notice, which shall be at least ten (10) days after the first publication of such notice, meet at a place designated in such notice, on or near the premises proposed to be taken and appropriated, and view the property proposed to be taken and appropriated and ascertain and award therefor compensation and damages, and that they will there and then hear such allegation and proofs as interested persons may offer. Such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and after having viewed the premises may, for the hearing of evidence and preparation of their award, adjourn or go to any other convenient place in said city, and such commissioners shall make a true and impartial appraisal and award of the compensation and damage to be paid to each person whose property is to be taken or appropriated, and report the same to the city council, and such award shall lie over until the next regular meeting of the council, which shall occur at least one week after the reception of such award, at which or at any subsequent time the city council may act on such award and hear any objection made thereto, or may refer the matter to a committee to hear such objection and report thereon. The council may confirm such award or annul the same, or send the same back to the same or a new board of commissioners for further consideration, and such commissioners may in such case, again on giving notice, published once in the official paper of said city, meet at a time and place to be designated in said notice, which shall be at least two days after the publication of such notice, and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time and correct any mistakes in such award, and revise and alter the same as they may deem just, and again report such award to the city council, who may confirm or annul the same. When any such award shall be confirmed by the city council, the same shall be final and conclusive upon all parties interested, except as hereinafter provided.

#### PAYMENT OF AWARDS.

SEC. 4. Whenever an award of compensation and damages shall be confirmed by the city council, and not appealed from, and whenever the same when appealed from shall not be set aside by the

court, the same shall constitute a lawful and sufficient condemnation and appropriation to public use of the land and property and rights in property for which compensation or damages are so awarded, and the city council shall thereupon cause to be paid from the permanent improvement fund of said city to the owners of such property the amount awarded to each severally. In case such payment is not made within one year after the confirmation of the award or the determination of the appeal thereupon, the proceedings shall be deemed to be abandoned.

Before payment of such award the owner of such property or the claimant of the award shall furnish an abstract of title showing himself entitled to all of the compensation and damages claimed. In case of neglect to furnish such abstract, or there shall be any doubt as to who is entitled to such compensation or damage or any part of the same, the amount so awarded shall be by the city council appropriated and set apart in the city treasury for whoever shall show clear right to receive the same. The city council may in its discretion require of such claimant a bond with good and sufficient sureties conditioned to indemnify and save the city harmless against all other claims for such compensation or damages, or for the property for which the same was awarded and all loss, costs or expenses on account of such claims.

Upon the payment of said award or appropriation, or the setting apart of the money in the city treasury to pay the same as aforesaid, the city shall become vested with the title to the property taken and condemned absolutely for all purposes for which the city may ever have occasion to use the same, and may forthwith enter upon and use the same.

This section shall apply as well to all cases of appropriation of private property for public use provided for in this chapter.

#### NEW STREETS LAID OUT—COMMISSIONERS AND THEIR DUTIES.

SEC. 5. Whenever the city council shall vote to lay out or open any new street or alley, or to straighten, widen or extend any that now or may hereafter exist, which shall make it necessary to take, injure or interfere with private property, it shall determine and designate in a general way, as nearly as may be convenient, the character and extent of the proposed improvement, and thereupon it shall be the duty of the city engineer to make and present to the council a plat and survey of such proposed improvement, showing the character, course and extent of the same and the property necessary to be taken or interfered with thereby, with the name of the owner of each parcel of such property so far as the engineer can readily ascertain the same, and such statement as may in the opinion of the engineer be proper to explain such plat and survey and the character and extent of the proposed improvement, and his estimate of the cost of such improvement, and the city council may cause such plat and survey to be modified,

amended or changed as it may deem proper, and shall estimate and fix upon the cost of making such improvement.

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

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

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

Three or more of such commissioners shall constitute a quorum and be competent to perform any duty required of such commissioners; and they shall be notified of their appointment, and vacancies in their number be filled in the same manner, and they shall take the same oath and be subject to the same penalty for refusal or neglect to attend, to be collected in the same way as is provided in the case of commissioners appointed under section four of this chapter. They shall give notice by two publications in the official paper of said city that such survey and plat is on file in the office of the city clerk, for the examination of all persons interested, and that they will on a day designated in such notice, which shall be at least ten days after the first publication of such notice, meet at a place designated in said notice on or near the proposed improvement, and view the property proposed to be taken or interfered with for the purposes of such improvements, and ascertain and award therefor compensation and damages, and view the premises to be benefited by such improvement, and assess thereon in proportion to benefits, the amount necessary to pay such compensation and damage and the cost of making the improvement, and that they will then and there hear such allegations and proof as interested persons may offer. And such commissioners shall meet and view the premises pursuant to such notice, and may adjourn from time to time, and, after having viewed the premises, may, for the hearing of evidence and preparation of their award and assessment, adjourn or go to any other convenient place in said city, and may have the aid and advice of the city engineer and of any other officer of the city. After viewing the premises, and hearing the evidence offered, such commissioners shall prepare and make a true and impartial appraisal and award of the compensation and damages to be paid to each person whose property is to be taken or injured by the making of such improvement; but if the remainder

of the same property, a part of which only is to be taken or damaged by such improvement, shall be benefited by such improvement, then the commissioners, in considering and awarding compensation and damages, shall also consider, estimate and offset the benefits which will accrue to the same owner, in respect to the remainder of the same property, and award him only the excess of the compensation or damages over and above such benefits.

The said commissioners shall then assess the amount of such compensation and damages so awarded, together with the expense and cost of making the improvements, upon the land and property benefited by such proposed improvements, and in proportion to such benefits, but in no case shall the amount of said assessment exceed the actual benefit to the lot or parcel of land so assessed, deducting therefrom any damages or injuries to the same parcels which are less than such benefits, and assessing only the excess, and prepare and report to the city council their appraisement and award, and if in the judgment of said commissioners the whole amount of such compensation and damages, together with the cost of making such improvement, shall exceed the actual benefit to the specific property subject to assessment, they shall so indicate in their report, and shall state the amount of such excess. Said commissioners shall also report to the city council an assessment list containing their assessment of such compensation, damages and cost, or so much thereof as shall not exceed the actual benefits to the property so assessed, which list shall contain a brief description of each tract or parcel of property assessed, the name or names of the owners thereof, if known, and the amount assessed, of the excess of such compensation, damage and costs as aforesaid, which they shall return unassessed.

Such report shall lie over until the next regular meeting of the council, which shall occur at least one week after the reception thereof, at which time, or at any meeting, the city council may act upon such report and hear any complaint touching such award or assessment, or it may refer the matter to a committee of the council to hear such complaints and report thereon. The council may confirm such award and assessment, or either, or annul the same, or send the same back to the same commission for further consideration; and the commissioners may in such case again, upon giving notice published once in the official paper of said city, meet at a time and place to be designated in said notice, which time shall be at least two weeks after the publication of such notice, meet and hear any further evidence that may be adduced by interested persons, and may adjourn from time to time, and may correct any mistakes in such award and assessment and alter and revise the same as they shall deem just, and again report the same to the city council, who may thereupon confirm or annul the same. Whenever the city council shall confirm any such award and assessment such confirmation shall make such award and assessment final and conclusive upon all parties interested, except as is hereinafter provided, and the city council shall proceed, at the same or

any subsequent meeting, to levy such assessment upon the several parcels of lands described in the assessment list reported by the commissioners, in accordance with the assessment so confirmed, and cause to be made and adopted an assessment roll of the same, which may be in the following form, or in any other form the council may adopt:

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

Name of owner, if known.	Description of land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the city council this ..... day of ..... A. D. 18...

Attest: .....  
 City Clerk. Pres't of the Council.

APPEALS.

SEC. 6. Any person, whose property is proposed to be taken, interfered with or assessed for benefits under any of the provisions of this chapter, and who deems that there is any irregularity in the proceedings of the council or action of the commissioners, by reason of which the award of the commissioners ought not to be confirmed, or who is dissatisfied with the amount of damages awarded to him for the taking of or interference with his property or with the amount of the assessment for benefits to any property affected by such proceedings, may at any time before such award or assessment shall be confirmed by the city council, file with the city clerk, in writing, his objection to such confirmation, setting forth therein specifically the particular irregularities complained of, and con-

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

The case may be brought on for hearing, on eight days' notice, at any general or special term of the court, and shall have precedence of other civil cases, and the judgment of the court shall be either to confirm or annul the proceedings only as the same affects the property of the appellant proposed to be taken, damaged or assessed for benefits, and described in said written objection.

From such determination no appeal or writ of error shall lie. In case the amount of damages awarded or assessment made for benefits is complained of by such appellant, the court shall, if the proceedings shall be confirmed in other respects, upon such confirmation, appoint three disinterested freeholders, residents of said city, commissioners to re-appraise such damages or benefits. The parties to such appeal shall be heard by said court upon the appointment of such, and the court shall fix the time and place of the meeting of such commissioners. They shall be sworn to the faithful discharge of their duties as such commissioners, and shall proceed to view the premises and to hear the parties interested, with their allegations and proofs pertinent to the question of the amount of such damages or assessments. Such commissioners shall be governed by the same provisions in respect to the method of arriving at the amount of damages and the offset thereto of

benefits to other property of the same owners, and in all other material respects, as are in this chapter made for the government of commissioners appointed by said city council. They shall, after such hearing and view of the premises, make report to said court of their appraisal of damages or assessment of benefits in respect to such appellant. The award or assessment of such commissioners shall be final unless set aside by the court for good cause shown. In case such report is set aside, the court may, in its discretion, recommit the same to the same commissioners or appoint a new board, as it shall deem best: but no appeal or writ of error shall be allowed from any order of the court in the premises. Said court shall allow a reasonable compensation to such commissioners for their services, and make such award of costs on such appeal, including the compensations of such commissioners as it shall deem just in the premises.

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

#### COUNCIL MAY ABANDON PROCEEDINGS.

SEC. 7. The city council shall have the right at any time during the pendency of any proceedings for the improvements authorized in this chapter, or at any time within thirty (30) days after the final order of the court, on any appeal from such proceedings, to abandon all such proceedings whenever it shall deem it for the interest of the city to do so.

#### ASSESSMENTS FOR PAVEMENTS, SEWERS AND WATER MAINS.

SEC. 8. Whenever the city council shall determine to cause to be paved, repaved or macadamized any street, lane or alley in said city, or any gutter or gutters along any such street, lane or alley or to lay, relay or extend any water-mains or sewer-pipes in or through such streets, lanes or alleys or any portion thereof, it shall determine and designate in a general way as nearly as may be convenient, the character and extent of the improvements, and the materials to be used therein, and thereupon it shall be the duty of the city engineer to make and present to the city council an estimate of the cost of such improvements, stating therein the proportions of such estimated cost which will be required to construct such improvements in front of abutting lands, which costs shall not in case of water-mains exceed the cost of a six-inch pipe, and in case of sewers shall not exceed the cost of ordinary street mains in front of such abutting lands, and the proportion thereof required to construct the same across streets, lanes and alleys, and in front of lands not subject to assessment, and also the excess of cost in case of water-mains and sewers over and above the cost of

such six-inch pipe or ordinary sewer, also a list of the several lots and parcels of lands fronting upon such proposed improvements with number of feet front of each extending along such improvements, and the names of the owners of the several parcels as nearly as the city engineer can readily ascertain the same; a brief minute of the reception of such report shall be made and published in the record of the proceedings of the city council, which shall be held to be sufficient notice to all persons concerned; and such report shall lie over without any assessment being made until the next regular meeting of the city council which shall occur at least one week after the reception of such report; but the city council in its discretion may direct the city engineer to advertise for and receive in the meantime bids for doing the work and furnishing the material required to construct and complete such improvement, and report the same to the council at the meeting of the city council to which such report is laid over, or at any subsequent meeting; the city council may consider such estimate and list, and any further communications from the city engineer respecting the matter, and under such rules as it may make shall hear all persons interested in the matter of such improvements, who may desire to be heard, and the council may adhere to its resolutions of making such improvements, or may modify the character of the same, or abandon it. If the city council shall determine to go on with such improvements, whether modified or not, it may, either before or after having contracted for the construction of such improvements, estimate and fix upon the cost of such improvements, and the proportion or amount of such cost which is required to construct such improvement, not exceeding, in case of sewer, the cost of an ordinary street sewer when larger sewers are constructed, and in case of water mains not exceeding the cost of laying a six-inch pipe where a larger pipe shall be laid opposite to or in front of the lots and parcels of land described in the list so made by said city engineer, and may assess and levy such proportion or amount of such cost upon the same lots and parcels of land upon the basis of an equal sum per front foot of each lot or parcel, measuring along the line of such improvements; and the city council shall cause to be made, and shall adopt an assessment roll thereof, which may be in the following, or any other form which the city council may deem proper:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set opposite each lot or parcel. The assesment is levied to defray the expense of.....  
 .....in the city of Minneapolis  
 along..... and said lots and parcels of land are  
 assessed upon the basis of an equal sum per front foot along the  
 line of such improvement:





lot and parcel of land so reported (after correcting mistakes, if any) along which such sidewalk has not been built, such sum as will cover the cost of building such sidewalk along and fronting upon the same lots and parcels of land respectively, and cause to be made an assessment roll of the same, which shall be in the following form, or any other form which the city council may adopt:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. This assessment is made to defray the cost of ..... a sidewalk along the..... side of..... from..... to..... in accordance with a resolution of the city council, passed the..... day of..... A. D. 18... and duly published in the official paper of said city on the..... day of..... A. D. 18.... The amount assessed against and levied upon each lot or parcel being the amount necessary to build such sidewalk along and fronting upon the same lot or parcel of land.

Name of Owner if known.	Description of Land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the city council this..... day of ..... A. D. 18....

Attest,

.....  
President of the Council.

.....  
City Clerk.

ASSESSMENTS FOR REPAIRING SIDEWALKS.

SEC. 11. Assessments for repairs of sidewalks, may be in the following form, or any form which the city council may adopt:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, the respective sums of money set against each lot or parcel. The assessment is made to defray to cost of repairs of sidewalks fronting upon each lot or parcel, which the respective owners have neglected to make, and which have been made by the proper street commissioners since the..... day of..... A. D. 18.... The amount assessed against and levied upon each of said lots and parcels of land, is the actual cost of the repairs of sidewalks abutting upon such lot or parcel, and so repaired by such commissioners.

Name of Owner if known.	Description of Land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the city council, this.....day of  
 .....A. D. 188.....

Attest, ..... President of the Council.  
 .....  
 City Clerk.

ASSESSMENTS FOR SPRINKLING STREETS.

SEC. 12. Assessments for sprinkling streets may be in the following form or any other form which the city council may adopt:

The city council of the city of Minneapolis doth hereby assess and levy upon and against the several lots and parcels of land below described, and the buildings and improvements thereon, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expense of sprinkling the streets fronting the said lots and parcels of land, from.....  
 ..... A. D. 18.... to..... A. D. 18....  
 according to a contract for sprinkling..... from  
 ..... to..... for the term of..... years  
 from..... and said lots and parcels of land,  
 buildings and improvements are assessed by an equal rate upon the assessed value of the lots, lands, buildings and improvements fronting on the portion of the street so sprinkled.

Name of Owner if known.	Description of Land.	Lot.	Block.	Amount.	
				Dollars.	Cts.

Done at a meeting of the city council this.....day of  
 .....A. D. 18....

Attest, ..... President of the Council.  
 .....  
 City Clerk.

## PROCEEDINGS WHEN AWARDS ARE SET ASIDE.

SEC. 13. Whenever any portion of any award made by commissioners and confirmed by the council, under the provisions of sections three and five of this chapter, shall be annulled by the court upon appeal, as hereinbefore provided for, the city council may again appoint commissioners to view the property which was affected by such appeal, and appraise and amend the compensation and damages to be paid for the taking or appropriation of the same, and the like proceedings shall be had so far as applicable, as is prescribed in said section ten except that such commissioners shall make no new assessments of costs and expenses. They shall, however, in arriving at the compensation and damages to be awarded, take into consideration and offset any benefits which in their judgment the contemplated improvement will be to the remainder of the property, part of which may be taken or appropriated, and report their award to the city council, whereupon the same proceedings may be had as far as applicable as upon an original award, and if such award shall again, upon appeal, be annulled by the court, still another commission may be appointed and award made in the same manner, and so on, until a valid award shall be made, but no new assessment for benefits shall be made merely by reason of any change in the amount of the sum awarded for compensation and damages, and any sum which may be lacking to pay the awards shall be paid from the funds of the proper ward.

## RE-ASSESSMENT.

SEC. 14. If any special assessment heretofore made by the city council, or under its direction, to defray the expense of any local improvement has been or shall be, either in whole or in part, annulled, vacated or set aside by the judgment of any court, or if the city council shall be satisfied that any such assessment is so irregular or defective that the same cannot be enforced and collected, or if the city council shall have omitted to make such assessment at or before the making of such improvement when it might have done so, the city council shall anew, or hereafter compute and determine upon the cost of making such improvement in a gross amount, upon such data as to it shall seem sufficient, not exceeding, in the case of water mains, the cost of laying a six-inch pipe when a larger pipe was used; and the city council may then proceed to cause a new assessment of the cost of such local improvements to be made, either on the property fronting upon such improvements, or on the property benefited by such improvements according to the character of such improvements, following as near as may be the provisions of the city charter in force at the time of making such improvement in determining the property to be assessed and the form and manner of proceeding subsequent to the determination of the cost of the improvement, and in case such

second assessment shall be annulled the city council may proceed to make other assessments until a valid assessment shall be made. but nothing in this section shall authorize any new assessment in cases where such court shall determine that the lots or lands are not subject to assessment.

After such new assessment roll shall have been completed the city clerk shall note thereon against any piece of land upon which a former assessment for the same improvement has been paid, the words "paid on former assessment," which shall cancel such assessment on that parcel.

#### HOW ASSESSMENT ROLLS RECORDED AND RETURNED.

SEC. 15. The city clerk shall record all assessment rolls of special assessments in books to be by him kept for that purpose, and shall, on or before the first day of October of every year, deliver to the county auditor of said county of Hennepin all such assessment rolls thereto delivered, and the said county auditor shall extend the assessments in proper columns against the property assessed, and such assessment shall be collected and the payment thereof enforced with and in the like manner as State, county and other taxes are collected and the payment thereof enforced, and such assessments when collected shall be paid over by the county treasurer to the city treasurer of said city, together with all costs, penalties and interest collected thereon, at the time of making payment of city taxes to city treasurer.

#### NO INFORMALITIES TO AFFECT VALIDITY OF ASSESSMENTS.

SEC. 16. No omission, informality or irregularity in proceedings, in or preliminary to the making of any special assessment shall affect the validity of the same, where the assessment roll has been adopted by the city council. And the assessment roll, and the record thereof kept by the city clerk, shall be competent and sufficient evidence that the assessment was duly levied and the assessment roll duly made and adopted, and that all other proceedings antecedent to the adoption of such assessment roll were duly had, taken and performed, as required by this charter. And no failure of the city clerk to record the assessment roll, or to deliver the same to the county auditor on or before the time prescribed for such delivery, or to do any other act or thing of him required, shall in any way invalidate any assessment; and no variance from the directions herein contained, as to the form or manner of any of the proceedings, shall be held material, unless it be clearly shown that the party objecting was materially injured thereby.

#### WHEN COLLECTIONS TO BE SUSPENDED.

SEC. 17. In case any special assessment shall in any suit where-

its validity shall be questioned, be adjudged invalid, the city council may, in its discretion, notify the county auditor to cease the collection of the same, if it shall have been transmitted to him for collection, and may proceed anew by proceedings either as in case of an original special assessment for the same purpose, or by taking up the previous proceedings at any point, and may make and levy a new assessment in the place and stead of the assessment which shall have been adjudged invalid; and the city clerk, before delivering such new assessment to the county auditor for collection, shall ascertain and note thereon payments which have been made on such invalid assessment for the same purpose, which notation shall cancel the assessments as to the parcels and lots on which such payments were made to the extent of the payments. Such new assessments shall be collected in the same manner as original special assessments.

#### EXCESS OR DEFICIENCY OF ASSESSMENT.

SEC. 18. No special assessment shall be questioned or held to be invalid, because the amount of such special assessment shall happen to be either more or less than the amount of money actually required for the improvement for which such assessment shall be made. If the amount raised by such special assessment shall happen to be less than the amount required for such improvement, the balance shall be paid from the fund of the ward or wards wherein such improvement shall be made, except that in the case of water mains and sewers, such balance shall be paid from the permanent improvement fund; and if there shall happen to be any surplus from any such special assessment, the same shall be carried to the credit of the same fund, from which a deficiency would have been supplied or be otherwise disposed of, as to the city council shall seem most just towards the persons upon whom such special assessment has been levied; and upon any assessment rolls or other papers made or used in any of the proceedings, it shall not be necessary that words shall be written out in full, but abbreviations, letters, figures and recognized characters may be used whenever their use shall be convenient, and no error or mistake as to the name of the owner of any property shall be regarded as material in any proceedings under this act.

#### TWO-THIRDS VOTE REQUIRED FOR IMPROVEMENTS.

SEC. 19. It shall require a two-thirds vote of the members elect of the city council to determine in the first instance, to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority vote shall suffice. But this restriction shall not apply to any subsequent act of the council touching such improvement, or the special assessment to provide means therefor.

## IMPROVEMENTS. HOW MADE.

SEC. 20. Any improvements, the means to make or construct which may be raised by special assessment, may be performed by contract let in the ordinary way, or directly by the city by the employment of labor and purchase of material, or in any other manner in which the city council may deem proper in each particular case. And the city council may in its discretion, in any case, instead of causing the special assessment to be made entirely upon estimates, as hereinbefore provided for, wait until the letting of the contract for such improvement, or until such improvement shall be made, before determining and fixing upon the cost and expense of such improvement, and appointing commissioners to make the assessment.

## COST OF IMPROVEMENTS MAY BE ADVANCED.

SEC. 21. The city council may, at the time of ordering any improvement for which any assessment may be made, determine whether to proceed at once with such improvement or await the collection of such assessment.

## MONEY COLLECTED ON ASSESSMENTS TO BE KEPT SEPARATE.

SEC. 22. In case any assessment for improvement is collected before the making of such improvement, the money so collected shall be kept separate from the funds of the city and not devoted to any other purpose than such improvement, and as soon as a majority of the assessments for such improvement are paid, the city council shall forthwith cause such improvement to be made.

## ASSESSMENTS MAY BE PAID TO CITY TREASURER.

SEC. 23. After any special assessment roll shall have been adopted by the city council and before the same shall be delivered to the county auditor for collection, any assessment thereon may be paid direct to the city treasurer of said city; and upon the production of the city treasurer's receipt therefor to the city clerk, he shall enter upon such assessment roll, opposite the assessment so paid, the words "paid to city treasurer," which entry shall cancel the assessment so paid.

In case interest shall have been included in such assessment, so much of such interest as shall not have accrued on such assessment at the time of such payment, shall be deducted therefrom.

## FORMER ASSESSMENTS NOT SUSPENDED.

SEC. 24. Nothing herein shall interrupt or interfere with any assessments which have been heretofore made, but the collection thereof shall go on according to the provisions of the charter of said city in force at the time of making such assessments.

## ASSESSMENT LIENS TO HAVE PRIORITY.

SEC. 25. No sale under execution or other proceedings upon a judgment decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax or for any improvements chargeable to or assessed against the property under this charter, although the confirmation of such assessment may be subsequent to the lien of such judgment decree or other lien or to such transfer or mortgage.

## CHAPTER 11.

## MISCELLANEOUS PROVISIONS.—CITY OF MINNEAPOLIS SUCCESSOR OF FORMER CITIES OF MINNEAPOLIS AND ST. ANTHONY.

SECTION 1. The city of Minneapolis is hereby declared to be the legal successor of the former cities of St. Anthony and Minneapolis. All public property, except property used for educational purposes, within the limits of said city, shall belong to said city of Minneapolis, and all indebtedness and obligations of the former city of St. Anthony and former city of Minneapolis and of the former divisions of the present city of Minneapolis, shall, together with all interest accrued or to accrue thereon, be assumed and paid by the city of Minneapolis.

## ORDINANCES AND RESOLUTIONS TO CONTINUE IN FORCE.

SEC. 2. All ordinances and resolutions heretofore made and established by the city council of the city of St. Anthony or by the common council or city council of the city of Minneapolis, and not inconsistent with the provisions of this act, shall remain in force except as altered, modified or repealed by the city council of the city of Minneapolis: and all books and pamphlets published or which may be published, purporting upon their title page to be published by the authority, order or direction of the city council, and purporting to contain the ordinances of said city, standing rules and orders of said city council, or either, are hereby declared to be competent and *prima facie* evidence of the contents of such ordinances, standing rules and orders of any resolutions or other matters purporting to be the act of said city council, which may



be found printed therein, and of the due and legal adoption, approval and publication thereof, and the certificate of the city clerk that any printed slip of paper to which such certificate may be attached, contains or is a true copy of any ordinance, resolution, proceeding of the city council or other paper, the original of which is presumably in the possession of said city clerk, shall constitute such printed slip or paper competent and *prima facie* evidence of the contents and purport of the ordinance, resolution, proceeding of the city council or other paper, and of the legal passage, adoption, approval and publication thereof.

#### COMPILATION OF ORDINANCES.

SEC. 3. The city council may from time to time provide for the compilation and publication of the ordinances of the city, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion, and may also provide for exchange of such printed compilations for similar publications of other cities.

#### INHABITANTS OF CITY NOT DISQUALIFIED IN CASES WHERE CITY IS PARTY IN INTEREST.

SEC. 4. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

#### CHARTER NOT REPEALED BY STATE LAW.

SEC. 5. No law of the State contravening the provisions of this act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

#### PROCESS, HOW SERVED AGAINST CITY.

SEC. 6. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process by the proper officer with the mayor, and it shall be the duty of the mayor forthwith to inform the city council thereof, or to take such other proceedings as by the ordinances or resolutions of said council may have been in such case provided.

#### ACTIONS TO BE IN NAME OF CITY.

SEC. 7. All actions brought to recover any penalty or forfeit-

ure under this act, or the ordinances, by-laws, or police, or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

PROSECUTIONS, HOW INSTITUTED.

SEC. 8. In all prosecutions for any violation of this act, or of any by-law, or ordinance of the city of Minneapolis, the first process shall be by warrant: *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota or ordinance of the city of Minneapolis, but the person or persons so arrested may be proceeded against, tried, convicted, punished, or discharged, in the same manner as if arrested by warrant. All processes issued by the municipal court for violation of any ordinance or by-laws of the said city, shall run in the name of the state of Minnesota, and shall be directed to the chief of police or any police officer of the said city.

IMPRISONMENT, WHEN ALLOWED.

SEC. 9. In all cases of imposition of penalty or fine, or the rendering of a judgment by the municipal court of said city, pursuant to any statute of the state of Minnesota, or pursuant to any ordinance or by-law of the said city of Minneapolis, as a punishment for any offense or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Hennepin county, and there be imprisoned for a term not exceeding three months, in the discretion of said court, unless the said fine or penalty be sooner paid, and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no such prison, in the common jail of Hennepin county.

CITY NOT LIABLE FOR BOARD OF PRISONERS IN STATE CASES.

SEC. 10. The city of Minneapolis shall not be liable in any case for the board or jail fees of any person who may be committed by any officer or magistrate of the city to the jail of Hennepin county under the State laws.

NO PENALTY TO BE REMITTED, WITHOUT VOTE OF TWO-THIRDS OF CITY COUNCIL.

SEC. 11. No penalty or judgment recovered in favor of said

city shall be remitted or discharged, except by a vote of two-thirds of the members of the city council; but nothing in this section shall be so construed as to prohibit the judge of the municipal court from granting new trials or reversing any judgment rendered by him according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence, in its discretion.

NO PUBLIC PROPERTY TO BE DISPOSED OF WITHOUT AUTHORITY FROM CITY COUNCIL.

Sec. 12. No city officer, or employee of the city, shall sell, dispose of, or convert to his own use, any city property in his charge without special authority from the city council.

OFFICIAL PAPERS, HOW DESIGNATED.

Sec. 13. The city council shall at its first meeting in April of each year, or as soon thereafter as may be, cause the city clerk to advertise in the official paper of the city, for one week, for sealed proposals for publishing in some daily newspaper, which shall have been printed, published and of general circulation in said city at least six months prior to the advertising for such proposals, the ordinances, official proceedings of the council and other matters required in the charter or the ordinances and resolutions of the city to be published in a public newspaper, such proposals to state the price per inch for the first insertion and for each additional insertion of all matter so to be published, said proposals to be marked "Proposals for Advertising," and addressed to the city council, which proposals shall be opened at the next meeting of the council and the contract for such publishing awarded to such daily newspaper bidding the lowest therefor, which paper shall be declared the official paper of the city: *Provided*, that in determining which is the lowest bidder of the newspapers conforming thereto, regard may be had to the character and value thereof as a medium for advertising and for placing before the tax payers of said city the matters herein provided to be advertised. And in case any two bids are the same, the council may by vote select one of such papers: *Provided, further*, that if each and all of said proposals fix a price exceeding thirty (30) cents per inch for any first or additional insertion of such matters, the council may reject all such proposals, and adopt such other method of publishing such matter as it may, in its discretion, determine; *Provided, further*, that the proprietor or proprietors of such paper shall enter into a written contract for the performance of the duties required of such proprietor or publisher, and give bond in the sum of twenty-five hundred dollars. (\$2,500) with two satisfactory sureties, to be approved by the council, conditioned for the faithful performance

of such contract. The daily newspaper so designated shall be and remain the official paper of said city, and the contract and bond aforesaid shall remain in force, for the term designated, and until the city council shall designate another paper as the official paper of the city.

## AFFIDAVIT OF PUBLICATION.

SEC. 14. The publisher or publishers of said official paper, shall, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, file with the clerk of the city a copy of such publication, with his or their affidavit, or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

## PROPOSALS AND CONTRACTS FOR JOB PRINTING.

SEC. 15. The city council shall, at its first annual meeting in each year, or as soon thereafter as practicable, cause its city clerk to advertise in the same manner as hereinbefore prescribed in section thirteen (13) for sealed proposals for doing the job printing of said city; said bids to state the price per 1,000 ems for composition, the price per pound for paper and the price per token for press-work; which said bids shall be marked "Proposals for Job Printing," and addressed to the city council of the city of Minneapolis," and opened at its next meeting, and the contract awarded to the lowest responsible bidder. *Provided, always,* that such lowest bidder shall enter into a written contract for the performance of such job printing, with like bond and sureties as specified in section thirteen (13) of this chapter, for the faithful performance of such contract.

## CHARTER TO BE PUBLIC LAW.

SEC. 16. This city charter shall be a public act and need not be pleaded nor proved in any case.

SEC. 17. This act shall take effect and be in force from and after its passage; but nothing herein contained shall be construed as repealing or in anywise modifying any of the provisions of chapter three hundred and thirty-eight (338) of the special laws of eighteen hundred and seventy-nine (1879,) being an act to create a board of tax levy for the county of Hennepin, and define the powers and duties thereof, approved March 8, 1879.

Approved March 8, A. D. 1881.