

## CHAPTER 322.

## AN TO ESTABLISH A BOARD OF PUBLIC WORKS IN AND FOR THE CITY OF STILLWATER.

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

SECTION 1. There shall be appointed by the city council of the city of Stillwater, on nomination of the mayor, three (3) persons, freeholders and electors of said city of Stillwater, who shall constitute a board to be known and designated as "the board of public works of the city of Stillwater." Such persons shall hold their office for and during the term of two (2), three (3) and four (4) years respectively from the date of their appointment, which terms shall be determined by lot, or in such other manner as the city council may prescribe; each succeeding member appointed by the city council shall be nominated and appointed in like manner at the expiration of the term of office of any member whose term has expired, and such appointment, except when the same is made to fill a vacancy caused by resignation or otherwise, shall be made for the full term of three (3) years; in case a vacancy shall occur, appointments may be made as aforesaid to serve during the remainder of the unexpired term. Each member of the said board of public works shall devote so much of his time to the performance of his official duty as may be necessary to fully and completely perform the duties of his said office; and each member shall give the preference of his official business as aforesaid over his private business, and for any failure or neglect so to perform his duty as a member of said board as aforesaid, or for any other cause deemed sufficient. Any member of said board may be removed from office in the same manner as other elective officers of the city are removed by the city council. The members of said board shall give bonds in the sum of ten thousand (\$10,000) dollars each, with sureties to be approved by the city council of the city of Stillwater, conditioned for the faithful performance of their duties, and the safe keeping and honest disbursement of any funds which may come to their hands as members of said board. The said board shall elect one of its own members president thereof, and all vacancies in said board, whether by resignation or expiration of term of service, or otherwise, shall be filled in the manner hereinbefore provided for; the first appointment under this act of commissioners as herein provided for shall be made by the mayor and city council at such time as in their judgment the city shall require the services of such board of public works; and the appointment thereafter shall be made at the times and in the manner above set forth; and the terms of office of each of the members of said board shall date from the day of their first appointment, the true intent and meaning of this act being that said board of public works shall not be organized until in the judgment of the mayor and city council their services are required by the city of Stillwater.

SEC. 2. As soon as practicable after the members of said board shall have been appointed and qualified, they shall meet together and appoint a city engineer, subject to the ratification of the city council of the city of Stillwater; said engineer shall hold his office for and

during the term of four (4) years, and until his successor shall have been appointed and qualified; and said engineer shall perform all of the duties which have heretofore been required of the city engineer, and all laws and ordinances applicable to the city engineer of the city of Stillwater as heretofore appointed and qualified, shall apply to the city engineer as appointed and qualified as herein provided for.

SEC. 3. Any one of said board of public works who shall during his term of office accept or hold any office elected by the people, or who shall during his term of office be publicly nominated for any office, elected by the people, and shall not within ten (10) days succeeding the same publicly decline the said nomination, shall be in either case deemed thereby to have resigned his position and to have vacated his office.

SEC. 4. The board of public works shall prepare, as soon as may be, a general plan of laying out into streets and alleys all such portions of the territory now or hereafter lying within the corporate limits of the city as shall not already be laid out, approved and platted at the time of the taking effect of this act; they shall endorse their approval on all plats of streets and alleys, and no plan shall be allowed or permitted which does not conform thereto, and no plat shall hereafter be recorded or be of any validity unless before such recording the approval of said board shall be endorsed thereon. The said board of public works shall not have the power to change such plats when once approved or adopted by them, unless authorized so to do by a resolution of the city council passed by a three-fourths vote of the members elect; *Provided*, That all streets and alleys shall be laid out so as to conform as nearly as may be to the lines of the streets and alleys now open. The approval by the board of public works of the general plan of laying out streets and alleys, and of the plats thereof, shall take the place of, and stand in lieu of the approval of the city council heretofore provided by law, and shall have the same force and effect as the approval of the city council heretofore required; and *provided* further, that the city council of the city of Stillwater may relieve the said board of public works from the preparation of a general plan of laying out streets and alleys provided for in the first part of this section, or may postpone the doing of the same until such time as in the judgment of the city council the public necessities require the same.

SEC. 5. The said board of public works shall establish a system of grades for all streets, lanes and alleys within the corporate limits of said city, and when once established no grade shall be changed, except by a resolution of the city council as provided in the charter of said city; and where the said board of public works do not establish a grade for any given street or alley, the grade already established by the city engineer or the city council of the city of Stillwater shall be taken and deemed the grade of said street; and all grades of streets, lanes and alleys in said city of Stillwater already duly established by the city council of the city of Stillwater shall not be changed by the action of said board of public works, but shall only be changed by the action of the city council as provided in the charter of said city.

SEC. 6. The said board of public works shall establish a system of sewers for the entire city, and cause to be designated on said plats the streets through which the same are to be constructed; and no street

shall be paved until the sewer to be constructed through the same shall be completed so far as the pavement is extended; *provided*, that all sewers, water pipes, gas pipes, and all connections, be made and completed at least one (1) year before said paving is to be done; and *provided*, that the system of sewers already adopted by the city council of the city of Stillwater, shall not be changed or altered by said board of public works, except by the consent of the city council of the said city; and that all new work constituting a part of the system of sewers for said city shall be made to conform to the system of sewerage already established except the consent of the city council be first obtained to make it otherwise.

SEC. 7. The said board of public works shall require, before any street is paved, that the gas pipes and water pipes shall be laid therein and connections made to the curb in front of each lot, and if any gas company or water company refuse to lay said pipe when required by said board, they may prohibit the laying of such pipe in such street after the street is paved.

SEC. 8. The said board of public works shall supervise the grading and paving of all streets, avenues, lanes, alleys and public grounds, and the cleaning, working, repairing and improving of all such avenues, streets, lanes, alleys and public places; and also the construction, altering, and repairing of public wharves, levees, docks, bridges, culverts, receiving basins, sewers and water courses within the said city, and the improvement and ornamentation of all parks, public grounds and streets within the said city of Stillwater. The said board shall also have the supervision and control of the erection of all lamp posts, and may order the erection of the same at such time and places as they may from time to time deem desirable.

SEC. 9. The said board of public works shall also supervise and have control of the laying down of all sidewalks and cross-walks, and the construction of all vaults under any portion of said streets, the erection of all public buildings and the works of the corporation of a public nature within the said city of Stillwater; *provided*, however, that this clause shall not be construed to give the board any right to interfere with or change the plans or specifications of any buildings or works when such plan has been adopted by the city council of the city of Stillwater, nor to authorize the said board of public works in any way to demand any variation therefrom, nor to depart from the same in carrying the said plans and specifications into execution.

SEC. 10. When the construction of any building or work of the corporation shall require peculiar skill, the city council may by resolution authorize the board to employ an architect, engineer or other competent person to superintend the same at a compensation not to exceed the sum named in the resolution so authorizing the appointment.

SEC. 11. The said board of public works shall, after their appointment, have entire charge and control of the street cleaning, repairs of paving, repairs of streets, and the building of cross-walks in the said city; and the said board of public works shall, if they deem it expedient, advertise for proposals for cleaning and working the streets, avenues, lanes, alleys or public places in the said city of Stillwater, or of any part of the same, and for the repairing of paved streets and

the building of cross-walks; *provided*, however, that when any contract so entered into by the said board of public works shall call for the expenditure of a sum of money exceeding the sum of one thousand (\$1,000) dollars, said contract shall be of no force or effect until the same is ratified and approved by the city council of the city of Stillwater; and *provided*, that said board of public works may reject any and all proposals made if in their opinion the interests of the city require that the same should be so rejected; and it is further *provided*, that said board of public works may, if in their opinion the interests of the said city require it, employ labor to clean and work the streets by the day or month. And the said board of public works shall report to the city council during the month of August of each year an estimate of each and all sums which in their judgment will be required for working or cleaning the streets, repair of paved streets and cross-walks, the building of wooden cross-walks, and for the paving of public streets, lanes or alleys, or the working or repairing of the same, and for the construction of public wharves, docks, levees, bridges, platforms, culverts, receiving basins, sewers, public drains, buildings, lamp posts and drinking or ornamental fountains, and for any and all other purposes in connection with the streets, public parks or public works, and for any purpose for which money may be expended under the provisions of this act. Said estimates so furnished to the city council shall be so made in items, as near as the same is practicable.

SEC. 12. When any public improvement (except the laying out and opening of public streets and the condemning of land for the public use) or public work is proposed, the city council shall, before proceeding with the same, refer the matter to the said board of public works, and the said board shall forthwith proceed to examine the same, and shall, as soon as practicable, report thereon to the city council, giving detailed estimates of the costs of such works or improvements, and shall make such recommendation as said board of public works may deem expedient. And in case of the laying out or opening of public streets, or the condemning of land for public use, they shall, upon like request of the city council make report to the said council in the same manner and with the same effect as the report heretofore required from the city engineer; *Provided, however*, That all proceedings for the opening of streets or the condemning of land for the public use, except the examination and report above provided for, shall be done by the city council the same as before the passage of this act.

SEC. 13. The said board, by and with the consent of the city council, shall have power to employ superintendents, clerks, a secretary, and such other persons as may be necessary to enable them to perform their duties under this act, and to specify the duty of such persons so employed, and to fix their compensation, as shall from time to time be determined by the city council; and shall have power to adopt such rules and regulations for its own and the government of its employes, as may be deemed necessary and expedient to effect the purposes of its organization, and also to remove any person so appointed at its pleasure. The secretary of said board shall keep a true and accurate record of its proceedings, and of all work ordered by said board, and of all

moneys expended by said board. The records of such secretary shall have the same force and effect as the records kept by the city clerk of the city of Stillwater, and he may certify to the same, or to copies thereof, under like circumstances and with the same force and effect as the certificate of the city clerk to any records kept by him.

SEC. 14. All work done under the supervision of said board shall be reported to the city council from time to time, and no money shall be paid out of the treasury of said city on account of said work so done, until the city council shall have ordered and instructed the same to be paid in the same manner as the said city council are required by order or resolution to cause the payment of any other claim against the city of Stillwater.

SEC. 15. The said board shall also exercise all powers conferred upon the city council of the city of Stillwater in chapters eight (8) and nine (9) of the present charter of the city of Stillwater, and in sections eight (8) to twenty-five (25) inclusive of chapter eleven (11) of the present charter of the city of Stillwater, excepting the power to condemn land and to lay out new streets, lanes or alleys. And any act or thing required in said acts above set forth to be done by the city council of the city of Stillwater, may be done by said board of public works with like force and effect,—that is to say, that all of the powers in said acts above mentioned and described granted to the city of Stillwater are hereby conferred upon the said board of public works, and they may exercise all the power and authority therein granted to the said city council, except as aforesaid, with like force and effect as if the same had been done and performed by the city council of the city of Stillwater, and the said city council of the city of Stillwater may at any time delegate to said board any power and authority which the said city council have over or in reference to any streets, lanes, alleys, avenues, parks, wharves, levees or other public works in the city of Stillwater. And the said board of public works, when the authority is so delegated to them by the said city council, may exercise the same with like force and effect as though the said acts had been done by the city council. And the said board shall also exercise any other powers and perform such other duties in the superintendence and construction of public works and improvements and repairs constructed by the authority of the city council or owned by the said city of Stillwater as the said city council may from time to time direct.

SEC. 16. It shall be the duty of said board of public works to classify or divide the various works or interests under their control into different departments as far as the same is practicable, and to keep an accurate account of the costs of each branch, showing the amounts expended for original improvements or construction, the amounts expended for repairs, superintendence and other expenditures, exhibiting, as near as may be, the source of all expenditures. And it shall be the duty of the said board of public works to make report to the city council of the said city annually in the month of January, which said report shall embrace the said expenditures on the different branches or departments of work under their control. And the said report shall also embrace a statement of the condition, progress and operation of the works.

SEC. 17. No member of said board of public works shall be inter-

ested, either directly or indirectly, in any contract entered into by them with any other person, nor shall they be interested directly or indirectly in the purchase of any material to be used or applied in and about the uses and purposes contemplated by this act. And any member of said board may at any time be removed by a vote of two-thirds ( $\frac{2}{3}$ ) of the members elected to the city council of said city for a sufficient cause, and the proceedings in that behalf shall be entered in their journal. *Provided*, That the said city council shall previously cause a copy of the charges preferred against such member sought to be removed, and notice of the time and place of hearing the same, to be served on him at least ten (10) days previous to the time so assigned and an opportunity given him to make his defense either in person or by counsel.

SEC. 18. The paving and grading of all streets, avenues, lanes, alleys and public places ordered by the city council, shall be done under the supervision of the board of public works. And all works requiring the expenditure of a sum of money exceeding the sum of five hundred dollars (\$500), shall be done upon contracts and under specifications to be prepared by such board and approved by the city council of the city of Stillwater; and all moneys appropriated by the city council for such purposes shall be expended by the said board and paid from the appropriate fund provided by the city council therefor. In the erection of public buildings or [the] paving of streets and the construction of sewers, the board shall advertise for proposals to execute the work according to the plans and specifications, and the said board may contract with the lowest responsible bidder, subject to the approval of the city council as hereinbefore provided. And *provided*, That the said board of public works may, at their option, reject any and all proposals made; and *provided further*, that where the amount to be expended does not exceed the sum of five hundred dollars (\$500), the said board may, by and with the consent of the city council, employ men to do the same by the day or month.

SEC. 19. The said board shall have power to issue permits for building and for the use of streets and highways for such purposes, and under such regulations as the city council may prescribe by ordinance. And before any building shall be occupied or used as a place of amusement or any kind of public gatherings, excepting churches, a permit from said board shall be obtained, which shall not be granted until said board shall be satisfied that such building is safe in its construction, for use, and as to facilities for egress in case of fire or accident. Any person using or permitting any building to be used for such purposes, without having obtained such permit from said board shall, on conviction, be punished by fine not exceeding one hundred dollars (\$100), or imprisonment not exceeding three (3) months, or by both such fine and imprisonment, as the court may direct. And the said board shall have the power, and are hereby directed, to inspect all places and buildings occupied as places of amusement now existing in the city of Stillwater, and ascertain if such building is safe in its construction for such use and that it has proper facilities for egress in case of fire or accident; and in case any building so used as aforesaid, is found to be unsafe in its construction, or not having the proper means of egress in case of fire, the said board of public works shall

forbid its use for such purposes until the said building shall be made safe, with proper facilities for egress in case of fire or accident.

SEC. 20. The office of street commissioner of the city of Stillwater is hereby abolished, and the board of public works herein provided for shall perform all the duties of the said officer, and all of the duties of the street committee of the city council of the city of Stillwater. [And the city council of the city of Stillwater] may dispense with such other officers now provided for, whose duties are performed by the board of public works hereby created, as the said city council shall deem expedient.

SEC. 21. The said board of public works shall have the power summarily to remove, or cause to be removed or torn down, all dangerous walls or other structures that may be liable to fall into any street, avenue, lane, alley or public place, or otherwise so as to endanger human life.

SEC. 22. All acts or parts of acts inconsistent or conflicting with the provisions of this act, are hereby repealed. *Provided, however.* That all of the charter of the city of Stillwater and the amendments thereof that conflict with this act, shall remain in force until the appointment and qualification of the board of public works as herein provided for.

SEC. 23. The compensation to be received by the members of the board of public works, shall be fixed by the city council and paid in the same manner that the salaries of the other officers of the city are paid.

SEC. 24. This act shall take effect and be in force from and after its passage.

Approved March 5, 1883.

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## CHAPTER 323.

### AN ACT TO REGULATE THE CATCHING OF FISH IN DOUGLAS COUNTY, MINNESOTA.

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

SECTION 1. It shall be unlawful for any person to catch, kill or destroy any fish of any kind in any of the waters of the towns of Alexandria, La Grand and Carlos, in Douglas county, Minnesota, between the fifteenth (15th) day of March and the fifteenth (15th) day of May in any year, and after the fifteenth (15th) day of May only with a hook and line or spear.

SEC. 2. It shall be unlawful for any person to catch, kill or destroy