

judges and one clerk of election and the election shall be conducted as near as may be as general elections are by law conducted. At said election the electors shall vote for or against this act of incorporation and a majority of the votes so cast shall decide and be conclusive in receiving or rejecting the same.

SEC. 18. This act shall take effect and be in force from and after its reception by a majority of the legal voters residing within the corporate limits of said village of Farmington.

Act to take effect upon majority vote of legal voters of the village.

Approved February 29, 1872

CHAPTER XXVII

A Bill granting certain powers to the Supervisors of the Town of Anoka.

February 20,
1872.

- SECTION 1. Powers of supervisors of town, relating to village government.
2. Relating to fines and penalties.
 3. Limitation of powers within certain boundaries.
 4. Ordinances, rules and by-laws—how enacted—publication thereof.
 5. Relating to prosecutions for violation of ordinances, &c.
 6. Relating to fines and penalties collected.
 7. Relating to imprisonment for offences.
 8. Competency of citizens to be justices, jurors or judges.
 9. Appointment of town officers.
 10. Duties of town marshal.
 11. Deputy marshal.
 12. Fees of marshal when performing duties as constable.
 13. Salary of marshal.
 14. Power of taxation.
 15. Township assessor-- his duties.
 16. Wood inspector--powers and duties.
 17. Power to assess lots for laying sidewalks.
 18. Power to assess lots for grading streets and crossings.
 19. Act to take effect upon a majority vote of the legal voters voting thereon.

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

Powers of su-
pervisors.

SECTION 1. The supervisors of the town of Anoka in the county of Anoka, shall have full power and authority to enact, publish, alter, modify, amend and repeal, all such ordinances, rules, and by-laws, as they shall deem expedient for the purposes following, to wit :

First.—To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, hog yard or hog pen, stable, barn, privy, sewer, hide yard and slaughter house, market or other unwholesome or nauseous house or place to cleanse, remove, or abate the same, from time to time, as may be deemed necessary for the health, comfort and convenience of the inhabitants of said town.

Second.—To direct the location or management of slaughter houses in said town, and to regulate the sale, storage, conveying and keeping of gun powder or other combustible materials.

Third.—To prevent the incumbrance of streets, sidewalks, lanes, or alleys, with carriages, carts, waggons, boxes, barrels, sleighs, firewood, lumber or any other material or substance whatever.

Fourth.—To prohibit the running at large of dogs, and to authorize the destruction of the same.

Fifth.—To prevent any person from bringing, depositing or having within the district hereinafter described, any putrid carcass, or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or by the person who shall have put the same thereon, or from any street, lane, public square or alley, and on default, to authorize the removal thereof at the expense of such person so required to remove the same.

Sixth.—To regulate the burial of the dead, and to make such rules and regulations as they shall deem proper to prevent the introduction or spread of contagious diseases.

Seventh.—To prevent all persons from doing any damage to the sidewalks, cross-walks, fences, buildings, shade or ornamental trees.

Eighth.—To prevent open or notorious drunkenness and brawling, and obscenity in the streets or public places, and provide for the arrest and punishment of all persons who may be guilty of the same.

Ninth.—To prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stove-pipes, ovens, boilers, stacks, and apparatus used in or about any building, and to cause the same to be placed in a safe and

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 regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires, to regulate and prevent the use of fire works and fire arms and finally to establish such regulations for the prevention and extinguishment of fires as they may deem expedient.

Powers of the
supervisor*.

Tenth.—To provide for the construction and maintainance of suitable sidewalks and street crossings upon any of the streets and alleys within the district hereinafter mentioned, upon a petition of a majority of the resident owners of lots upon such street or alley, and opposite and adjoining to which any such sidewalk is to be built, said sidewalks to be constructed and maintained by or at the expense of the owners of the lots or parts of lots respectively opposite and adjoining which any sidewalk may be ordered.

Eleventh.—To cause to be established under the direction of a surveyor, the grade of any and all the streets in the district hereinafter named, and to cause to be graded any of the streets and alleys within the same upon the petition of three-fourths of the resident owners of the lots upon any such street or alley, and opposite and adjoining to which the same is to be graded.

Twelfth.—To prevent and punish riots, noise and disturbance of meetings and assemblies, and generally to promote good order and the public peace.

Thirteenth.—To prevent and punish horse racing and immoderate riding or driving in the streets, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the street.

Fourteenth.—To grant licenses to suitable persons to act as public auctioneers and require the payment of a reasonable license fee of each of such auctioneers, and to prohibit all persons from acting as auctioneers, or selling goods, wares, and merchandise, or other property by public outcry, without first obtaining such license. The said license to be in lieu of the county license provided by law and the proceeds of the same to be paid into the treasury of said town, but this subdivision shall not [apply] to the sheriff or other officers in the performance of official duties.

Fifteenth.—To regulate the time, manner and place of holding auctions.

Sixteenth.—To grant licenses to common showmen or any public exhibition, pedlars, billiard tables, bowling saloons, and all persons, to vend and deal in spirituous, vinous, fermented, or malt liquors, and to require the payment of a license fee for the same.

Seventeenth. To employ any patrolman, watchman, or police, and maintain any lamp posts and lamps they may deem necessary.

Relating to
fines and pen-
alties.

SEC. 2. Said board of supervisors shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law enacted by them, and all such ordinances, rules and by-laws, are hereby declared to have the force of law, *provided*, that they be not repugnant to the constitution and laws of the United States, or of this state; fines, penalties, and punishments, may extend to a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, in the county jail, or both, with power to order the offender to be fed on bread and water during the whole or part of said term of imprisonment, at the discretion of the justice. And offenders may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Limitation of
powers within
certain bound-
aries.

SEC. 3. The powers herein granted shall be exercised by said board of supervisors only in reference to the district described as follows: All of fractional township thirty-one (31) north range twenty-five (25) west, 4th principal meridian, and the fractional west three-fourths of sections six and seven (6 and 7), in township number thirty-one (31) north range number twenty-four (24) west, 4th principal meridian.

Ordinances,
rules and by-
laws—how en-
acted—publi-
cation thereof.

SEC. 4. All ordinances, rules and by-laws shall be enacted by an affirmative vote of a majority of said board of supervisors, and shall be signed by the chairman and published once in a newspaper published in said town, or posted conspicuously in three public places in said town for ten (10) days before the same shall be in force, and shall be recorded by the clerk of said town in a book to be provided for that purpose. But before any of such ordinances, rules and by-laws shall be recorded, the posting of the same, or the publication thereof as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, or the certificate of said clerk, (whose duty it shall be to post the same,) of said posting, and the affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication and posting.

Relating to
prosecutions
for violation of
ordinances, &c

SEC. 5. All prosecutions for any violation of any of the ordinances, rules or by-laws, enacted under the provisions of this act, shall be commenced by warrant upon complaint being made as required by law in criminal cases before jus-

tices of the peace, and the same proceedings shall be had therein as required to be had by the laws of the state in criminal actions before justices of the peace; except that the offender when in the act of violating any of said ordinances, rules or by-laws, may be arrested without warrant or complaint previously made, by the marshal or his deputy or by any patrolman, or policeman employed under the provisions of this act, and may be required to plead to the charge made against him as stated in the complaint which shall forthwith be reduced to writing and sworn to as in other criminal cases; *provided*, that no appeal shall be allowed when the fine or penalty imposed does not exceed the sum of ten (10) dollars. The justices of the peace of the town of Anoka, shall have and possess exclusive original jurisdiction in all cases arising under the provisions of this act.

SEC. 6. All fines and penalties, and all fees for licenses, imposed or granted under or by virtue of the provisions of this act, shall belong to the said district described in section three of this act, and shall constitute a fund to pay the expenses incurred under the provisions of this act.

Relating to
fines and pen-
alties collected

SEC. 7. In all cases of the imposition of any fine or penalty, or the rendering of judgment by any justice, for the violation of any ordinance, rule or by-law enacted under the provisions of this act, the offender shall be forthwith committed to the common jail of Anoka county, and be there imprisoned for the time not exceeding thirty (30) days, in the discretion of the justice, unless the fine or penalty, or judgment with costs (if any are imposed) be sooner paid or satisfied. And in all cases where the punishment of such offender shall be by imprisonment, it shall be in said common jail of Anoka county, and from and after the arrest of any person or persons for any violation as aforesaid, until the time of the trial or hearing, the person or persons so arrested may be imprisoned in said jail, unless admitted to bail. The sheriff of Anoka county and jailors of said jail, and their, and each of their deputies, are required to receive such persons into custody, and confine them safely in said jail, until they may be discharged in the due course of law. The district described in section three of this act shall be liable to pay for the support and keeping of such prisoners, the same charges and allowances as are allowed for the support and keeping of prisoners committed under the authority of the state. And the same shall be paid out of any funds provided for paying the expenses incurred in carrying out the provisions of this act.

Relating to im-
prisonment for
offences.

Competency of citizens to be justices, jurors or judges.

SEC. 8. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant of said town of Anoka, in any action or proceeding arising under the provisions of this act.

Appointment of town officers

SEC. 9. Said board of supervisors shall, within thirty (30) days after the annual town meeting, appoint a town marshal, fire warden, and a wood inspector and measurer, who shall hold their offices for the term of one year, and until their successors are appointed and qualified, unless sooner removed, as they may be by said board. All vacancies in said offices shall be filled by the board of supervisors.

Duties of town marshal

SEC. 10. Said town marshal shall give a bond with sufficient surety, to be approved by the board, conditioned for the faithful discharge of his duties, in such sum as the board shall require, he shall perform such duties as the board may prescribe under the provisions of this act. He shall have all the powers, and be subject to all the duties of constables by the laws of this state, and it shall be his duty to execute and serve all warrants, process, commitments, and all writs whatsoever, issued by any justice of the peace, for any violation of any of the ordinances, rules or by-laws enacted under the provisions of this act, and the same shall not be served or executed by any other person except said marshal or his deputy, and shall be directed to him or his deputy.

Deputy marshal

SEC. 11. Said marshal shall have the power to appoint a deputy, who shall possess the same powers and receive like fees (salary excepted) as said marshal, and said marshal shall be responsible for the acts of his deputy.

Fees of marshal when acting as constable.

SEC. 12. Said marshal shall be entitled to demand and receive like fees as constables, when performing the duties of a constable, and shall be entitled to demand and receive such fees as may be prescribed by the board of supervisors, for services which cannot be performed by a constable, and, in addition thereto, shall receive such salary as the said board may fix, not exceeding one hundred dollars.

Salary of marshal.

SEC. 13. The board of supervisors shall fix the fees and salary of the marshal, and may change the same.

Power of taxation.

SEC. 14. The board of supervisors shall have the power, and it shall be their duty to vote a tax upon the taxable property of the district described in section three (3) of this act, sufficient to pay all expenses incurred in carrying out the provisions of this act. The town clerk shall on or before the first day of September in each year, file with the county auditor, a certified copy of the record of such vote, and thereupon such tax shall be levied and collected as other town taxes are levied and collected.

SEC. 15. The township assessor of the town of Anoka, shall make a separate list of the persons and personal property of all persons residing within the district described in section three (3) of this act, in the same manner as he is now required to do by section twenty-nine (29), of chapter eleven (11) of the general statutes of Minnesota, in case of incorporated towns.

Township
assessor—his
duties.

SEC. 16. The wood inspector and measurer shall give bond with sufficient surety, to be approved by said board, conditioned for the faithful discharge of his duties, in such sum as the board shall require. He shall, upon application of any party interested, inspect and measure any fire wood brought into said town for sale, and give the owner or possessor a certificate, setting forth the quantity and quality thereof, and date of inspection, making reasonable allowance for crooked and uneven wood and estimating a cord to contain one hundred and twenty-eight (128) cubic feet. He shall be entitled to the following fees: For every load or pile of wood ten cents, and ten (10) cents per cord for each additional cord, which shall be paid to the inspector on delivery of his certificate of the quantity of any load or pile of wood to the person having such wood measured, and the board of supervisors shall have power by ordinance to make such additional regulations respecting the measurement of wood and for enforcing the same as they shall deem expedient.

Wood inspec-
tor—powers
and duties.

SEC. 17. The board of supervisors shall have power to assess all lots for the expense of building and maintaining any sidewalk opposite to and adjoining said lots, and said assessment until paid, shall remain and constitute a lien thereon, and they shall deliver said assessment to the town marshal, who shall collect the same, and in case the same remains unpaid for three months after demand made upon the owner of the property, or his authorized agent, the same shall be sold at public auction to the highest bidder, for such assessment, by said marshal, after the same notice as is required by law for tax sales, and the money received at such sale shall be paid into the town treasury for the use of the town, after paying such assessment and the expenses of sale. Any person whose property is sold for [any] such assessment, may redeem the same within one year thereafter by paying the amount for which said property was sold, with a penalty thereon at the rate of two per cent. per month to the town treasurer, who shall execute to the person redeeming, a certificate of redemption. If the same shall not be redeemed as aforesaid, the marshal shall ex-

Power to assess
lots for laying
sidewalks.

cute a deed thereof to the purchaser or his assigns. Provided, That no proceeding under this section shall be had until the ordinance requiring the building of any such sidewalk shall have been published in a newspaper published in said county for three (3) successive weeks.

Power to assess lots for grading streets and crossings.

SEC. 18. The said board of supervisors shall have power to assess the expense of establishing the grade of any street and of grading the same, and of constructing street crossings upon the lots upon said street in proportion to the value thereof, as shown by the assessment roll of the assessor for that year, deducting therefrom such damage as in their opinion such lot shall have sustained by reason of said grading, the deficiency occasioned by such deduction to his apportioned rateably upon the other lots on such street; such assessment when so made shall be returnable [returned] to the county auditor, and extended in a separate column upon such property at the same time and in the same manner as other town taxes are returned and extended, and shall be collected in the same manner as other town taxes are collected. But no assessment for grading any street shall be made as herein provided, unless said grading shall be done on the petition of three-fourths of the resident owners to be assessed for the same.

Act to take effect upon a majority vote of the legal voters voting thereon.

SEC. 19. This bill shall be submitted to the legal voters of said town at the next annual spring election. The ballots shall have written or printed, or partly written and partly printed the following words, "For bill granting certain powers to the supervisors of the town of Anoka," or "Against bill granting certain powers to the supervisors of the town of Anoka." Said votes shall be cast at said election in the same manner as other votes cast for town officers, and returned and canvassed in the same manner. If it shall appear that a majority of said voters voting upon said question shall be in favor of said bill it shall take effect and be in force thereafter.

Approved February 29, 1872.