

CHAPTER XXXI.

March 7, 1867 *An Act to amend an act entitled "An Act to incorporate the Borough of Saint Peter, approved March 2, 1865."*

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

Amends sec 5,
chap 12,

SECTION 1. That section five of chapter twelve of special laws of 1865, entitled an act to incorporate the borough of Saint Peter, and approved March 2, 1865, be and the same is amended so as to read as follows:

Sec. 5. The officers of said corporation shall be one mayor, one treasurer and one recorder, to be chosen from among and by the legal voters of the whole borough. Three councilors and two constables to be chosen from among and by the legal voters of each district in said borough, and one clerk to be chosen by the borough council and such other officers to be chosen from among the legal voters of said borough by such modes, and to have such powers and duties, not inconsistent with this act, as may seem meet and proper to said corporation: *Provided,* That all officers elected under the provisions of this act shall be residents of said borough and of the district in which they may be elected.

Further amends.

SECTION 2. That section ten of said act is amended so as to read as follows:

Sec. 10. That to the recorder of said borough shall belong exclusive original jurisdiction of all offenses arising under the ordinances of said borough.

2. He shall be a conservator of the peace, and his court shall be open every day, Sundays excepted, to hear, try and determine all cases wherein a breach of any ordinance of the borough is charged, or any law of the state of Minnesota, and he shall have power to issue all necessary process to bring parties before him forthwith for trial.

3. Any person convicted before the recorder of any

offense, under the ordinances of the borough, shall be punished, by fine or imprisonment at hard labor, as may be regulated by ordinance, saving an appeal to the district court in all cases.

4. In case of a vacancy from any case occurring in the office of recorder, or in case of interest, absence, disability or sickness on the part of such recorder it shall be the duty of the mayor to appoint some acting justice of the peace, within the county of Nicollet to perform the duties of said recorder during such vacancy, absence or disability.

1. The recorder shall hold his office for the term of two years and until his successor is elected and qualified.

The recorder shall be entitled to the same fees as are by law allowed to a justice of the peace.

SEC. 3. Section 15 of said act is amended so as to read as follows:

Sec. 15. That the term of office of the respective officers of said corporation shall be as follows: Of the councilors and clerk each three official years; of the recorder, treasurer and constables each two official years; of all other officers each one year, and all official terms shall succeed each to its next preceding one without lapse of time from any cause: *Provided*, That every officer shall hold over his official term until his successor shall be elected and qualified.

SEC. 4. The following chapter is hereby added to said act, and the acts amendatory thereto, passed March second, eighteen hundred and sixty-six:

Adds additional chapter

CHAPTER II.

SECTION 1. The borough council shall have power:

First—To levy and collect a license tax on auctioneers, taverns, hotels, saloon keepers, hawkers, peddlers, dram shops, liquor sellers, pawnbrokers, shows, exhibitions for pay, billiard tables, ball and ten pin alleys, hacks, drays, wagons or other vehicles used within the borough for pay, theatres and theatrical exhibitions for pay.

Powers of council

Second—To restrain, prohibit and suppress tippling shops, billiard tables, ten pin or ball alleys, houses of prostitution and other disorderly houses and practices,

Further powers gaming and gaming houses, and all kinds of public indecencies and nuisances of all kinds.

Third—To prevent the introduction of contagious diseases into the borough and make quarantine laws for such purpose, and enforce the same.

Fourth—To make regulations to secure the general health of the borough; to prevent and remove nuisances; to prevent encumbering the streets, sidewalks, alleys, public grounds or wharves with carriages, carts, wagons, sleighs, boxes, lumber, fire wood, posts, awnings, litter, offal or any other materials or substances whatever; to prevent the running at large of cattle, swine, horses, sheep, dogs or other animals, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violations of the ordinances; to prevent open or notorious drunkenness or obscenity in the streets of said borough, and to provide for the arrest and punishment of all such persons who shall be guilty of the same.

Fifth—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; to restrain and punish vagrants, mendicants, street beggars, prostitutes, drunken and disorderly persons; to establish and erect public pounds, cisterns, hydrants and reservoirs; to regulate the charges of hackmen, draymen, cartmen and omnibus drivers; to provide for lighting the streets; to erect and establish market places and houses and to regulate and govern the same, and to provide for the erection of all necessary buildings for the use of the borough; to establish such necessary day or night police force as may be requisite for the safety of the inhabitants of the borough; to regulate the duties of the same, and to impose fines, forfeitures and penalties for the breach of any ordinance, and also for the recovery and collection of the same, and in default of payment, to provide for confinement in the city prison or to hard labor in the borough.

Sixth—To regulate and prescribe the powers, duties and compensation of the officers of the borough.

Seventh—To appoint such necessary officers as may be requisite to carry into effect the ordinances of the borough.

Eighth—To appropriate money and provide for the payment of the expenses of the borough. Further powers

Ninth—To divide the borough into districts and to apportion their representation.

Tenth—For the purpose of guarding against fire the council shall have power to prescribe the limits within which wooden buildings, or buildings of other material that shall not be considered fire proof, shall not be erected, placed, or repaired, and to direct that all buildings within the limits prescribed shall be made and constructed of fire-proof materials. To prevent the dangerous construction and condition of chimneys, fire places, stores, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe condition when considered dangerous.

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets. To prevent or regulate the use of fire works and fire arms in the limits of said borough.

To organize and regulate fire companies, and authorize the formation of fire engine, hook and ladder, and hose or bucket company.

Eleventh—Fines, penalties and punishments imposed for the violation of any ordinance of this borough, shall not exceed a fine of one hundred dollars, or imprisonment thirty days, or both, and offenders against the same may be required to recognize, 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.

Twelfth—The powers conferred upon the borough council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

SEC. 5. The following chapter is hereby added to said act and the act amendatory thereto passed March 2, 1866:

CHAPTER III.

MISCELLANEOUS PROVISIONS.

SECTION 1. All actions brought to receive any pen-

How actions
brought

alty, or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the borough.

Process to be by
warrant.

SEC. 2. In all prosecutions for any violations of this act, or of any ordinance of the borough, the first process shall be by warrant. *Provided*, That no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state of Minnesota, or ordinance of the borough of Saint Peter, but the person or persons so arrested may be proceeded against, tried convicted, and punished, or discharged, in the same manner as if the arrest had been by warrant.

Warrants—how
directed

SEC. 3. All warrants, process, or writs, issued by the borough recorder shall run in the name of the state of Minnesota, and shall be directed to the chief of police, any constable or police officer in said borough or to the sheriff of the county.

Powers of police

SEC. 4. The officers of police are hereby vested with all powers of a sheriff, or constable, in the service of writs as granted to them by the law of the state, and may pursue, take and bring back for trial, any offender against the ordinances of said borough into any county in this state.

Previous ordi-
nances to be
valid

SEC. 5. All ordinances and resolutions heretofore made, and established by the council of the borough of St. Peter, not inconsistent with the provisions of this act shall be and remain in force until altered, modified or repealed by the council, after this act shall take effect.

How fines, etc.,
disposed of

SEC. 6. All fines, penalties, judgments and moneys (except officer's fees) that may be imposed, levied or collected for the use of said borough for any violation of any ordinances of said borough shall be vested in and be the sole and exclusive property of the borough of Saint Peter.

Service of suit

SEC. 7. When any suit or action shall be commenced against said borough, the service therein shall be made by copy left with the chief of said borough, who thereupon shall forthwith notify the mayor of such service.

State law not to
affect

SEC. 8. No law of this 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.

SEC. 9. The sale of all intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said borough, is hereby declared to be under the exclusive control of the council of said borough, and all fines imposed for a violation of any ordinance regulating such traffic, shall be paid into the treasury of the borough for the use thereof.

Regulates sale of liquor

SEC. 10. When it shall be necessary to take any private property for opening, extending, widening or altering any street, alley or lane, the borough shall make a just compensation therefor to the person whose property is so taken.

Compensation for property taken

SEC. 11. The council by ordinance shall direct how and in what manner the compensation for damages for opening or altering any street shall be adjusted

Compensation for damages

SEC. 12. The corporation is invested with all powers to carry into full force, virtue and effect, all and every part of the charter of said borough and the acts amendatory thereof, and to carry into execution the same shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

Powers of corporation

SEC. 13. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Repeals inconsistent acts

SEC. 14. This act is hereby declared to be a public act.

SEC. 15. This act shall take effect and be in force from and after its passage.

Approved February 28, 1867.