

CHAPTER XIV.

*An Act to Incorporate the Village of Fergus Falls.*February 29,
1872.

CHAPTER I.

- SECTION 1. Boundaries of the village and corporate powers.
2. Elective officers and their terms of office.
 3. Annual elections, when held.
 4. Relating to inspectors for the first election.
 5. Oaths of office, and bonds for faithful discharge of duty.

CHAPTER II.

- SECTION 1. The village council, how constituted.
2. Powers of the council in elections.
 3. Quorum of council and authority to compel attendance.
 4. Power to control or expel its own members.
 5. All actions of council to be by ordinance. Meetings for business. Records of meetings.
 6. Powers and duties of the president of council.
 7. Malfeasance of the president, how punished.
 8. Recorder—duties and responsibilities.
 9. Village attorney, may be appointed by council.
 10. Duties of village attorney.
 11. Duties of village marshal.
 12. Duties of treasurer.
 13. Village printer may be designated.
 14. Copies of all ordinances, &c., to be filed by the printer.
 15. Members of the council not to be interested in contracts.
 16. Village surveyor—his duties.
 17. Village to be constituted a road district.
 18. Duties of street commissioner.
 19. Removal from village—duties of officers.
 20. Council have power to exact additional duties from officers, and to appoint other officers.

CHAPTER III.

- SECTION 1. Style of ordinances.
2. Special powers of the council enumerated.
 3. Ordinances, &c., to be passed by affirmative votes, by ayes and noes.
 4. Powers conferred on council not to restrict actions in courts.
 5. Actions for penalties to be brought in name of village.
 6. Prosecutions for violation of this act.
 7. Marshal and other police officers vested with powers of sheriffs and constables.

8. Service of process against village—how made.
9. Officers of the peace—who are designated.
10. Village justice—jurisdiction and powers.
11. To report proceedings and pay over fines.

CHAPTER IV.

- SECTION 1. Power of council to open streets, order sidewalks, &c.
2. Sidewalks, by whom built.
 3. Failure to build sidewalks—penalty.
 4. Failure to pay assessment, to be enforced same as for delinquent tax.
 5. Width of sidewalk and material to be used.
 6. Taxation for current village expenses.
 7. Limitation in the contraction of debts.
 8. Tax levy to be transmitted to county auditor.
 9. Duties of the assessor.
 10. All work to be let by contract.
 11. School districts.
 12. Real and personal estate.
 13. Not liable for board of prisoners held for violation of state laws.
 14. Inspectors of election.
 15. Highway labor and taxes.
 16. Compensation of officers.
 17. Delivery of books and papers to successor in office, &c.
 18. Competency of citizens as jurors, witnesses, &c.
 19. Failure of election not to suspend or abolish village government.
 20. Repeal of any part of this act to be by special law.
 21. To be regarded a public act.
 22. When act to take effect.

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

CHAPTER I.

Boundaries.

SECTION 1. That all the territory embraced in the following boundaries, to-wit: the whole of sections two (2), three (3), four (4), and north half of sections nine (9), ten (10) and eleven (11) in township number one hundred and thirty-two (132) north of range number forty-three (43) west, and south west quarter of section twenty-five (25) and south half of sections twenty-six (26) and twenty-seven (27) and south-east quarter of section twenty-eight (28) and east half of section thirty-three (33) and all of sections thirty-four (34) and thirty-five (35) and west half of section thirty-six (36) in township number one hundred and thirty-three (133) north of range forty-three (43) west, shall be known as the village of Fergus Falls, and shall have the powers generally possessed by corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted and be capable of contracting and being contracted

with, suing and being sued, pleading and being impleaded in all courts of law and equity, and may have a common seal and may change and alter the same at pleasure, and also take, hold, purchase, lease and convey real estate and personal estate, and mixed estate, within or without the limits thereof, as the purposes of the village may require, and the authorities thereof shall have perpetual succession.

Sec. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one assessor and one justice of the peace, and shall each, except the justice of the peace, hold their respective offices for the term of one year and until their successors are elected and qualified. The justice of the peace shall hold his office for the term of two years and until his successor shall be elected and qualified. In addition to the above mentioned officers the council shall have power to appoint a marshal and one street commissioner, and such other officers as to said council may seem necessary, and to define the duties of such officers, and to remove such officers at pleasure.

Elective
officers and
their terms of
office.

Sec. 3. There shall be an annual election held in said village on the first Tuesday of April in each year, at which the electors residing within the limits of said village qualified to vote at town elections, may choose by ballot and by plurality of votes the president, one recorder, three trustees, one treasurer, one assessor and one justice of the peace. The trustees shall give ten day's notice of the time and place of holding said election, by posting up written notices thereof in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village, *Provided*, that the first election of officers in said village shall be held on the fourth Tuesday of March, A. D. one thousand eight hundred and seventy-two (1872). The elections shall be held and conducted in the same manner as town elections, and the laws of this state applicable to elections generally shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Annual
elections.

Sec. 4. That for the purposes of the first election under this act Jacob Austin, James Chambers and Ernest Buse shall be inspectors of election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act. At said election all the officers provided for by this act shall be elected; *Provided*, In case any of the foregoing board of canvassers should not be present or should fail to act as such inspectors, then and in that case it shall and may be lawful for the by.

Inspectors for
the first
election.

standers to fill any such vacancy that may occur in said board. Special meetings may be called at any time by the trustees of said village, upon the petition of twelve legal voters and freeholders of said village, by giving the notice above required, stating the object of such meeting.

Oaths of office and bonds. **SEC. 5.** Each officer, before entering upon the duties of his office, and within ten days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe, before some officer by law authorized to administer oaths, an oath of office to support the constitution of the United States and the constitution of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto the treasurer, recorder, justice of the peace, marshal and street commissioner shall each give a bond in a sum not less than two hundred dollars, to be determined by said council, conditioned for the further performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

CHAPTER II.

The village council, how constituted. **SECTION 1.** That the president, recorder and trustees shall constitute the village council, to which body shall belong all the legislative powers granted by this act to said corporation.

Powers of the council in elections. **SEC. 2.** The village council shall judge of the qualifications, elections and returns of its own members, and shall determine all contested elections, and in such cases shall have power to send for persons and papers.

Quorum of council. **SEC. 3.** A majority of the village council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

Power to control or expell its members. **SEC. 4.** The village council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected expell a member after due notice given, and an opportunity extended to the accused to be heard by counsel or otherwise.

All actions of council to be by ordinance. Meetings for business. **SEC. 5.** All actions of the council intended to have the force of rules or law, or authority for contract, shall be by ordinance under the style of "Be it ordained by the common council of the village of Fergus Falls;" and no ordinance shall embrace more than one subject, which shall be expressed by its title. The village council shall meet for the

transaction of business at least once in three months, and at such other times as said council may deem necessary. The president, when present, shall preside at all meetings of the village council, but in case of his absence the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of a majority of the members of the village council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the village council, and ayes and noes upon every ordinance voted upon shall be entered therein.

Records.

SEC. 6. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or from their nature must necessarily pertain to the other executive officers of said corporation, whether said officers are created by this act or by the village council. He shall have power to call a meeting of the council by giving such notice thereof as may have been provided by ordinance, or, in default of provision, in such manner as he may deem meet and proper; and shall sign all orders drawn on the treasurer for money voted to be paid by said village council.

President of council.

SEC. 7. In case the president of the village council shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to be indicted in the district court for Otter Tail county, and on conviction he shall be fined not more than five hundred dollars and the court shall have power (on recommendation of the jury) to add to the judgment of the court that he be removed from office.

Malfeasance of the president, how punished.

SEC. 8. That the recorder shall be the recording officer of the village and of the village council. He shall have the custody of the seal of said corporation and all the records thereof not necessarily and specifically appertaining to the other officers thereof. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against such corporation previously audited and allowed by the village council. He shall also make to the village council, at the close of each official year, a condensed report of all his doings as such officer during such year; and he shall with all reasonable dispatch, make such other reports as the village council shall require. The recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from

Recorder—duties and responsibilities.

Recorder—duties and responsibilities.

the records of the village council certified to by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall report annually on the first day of June to the council, an estimate of the expenses of the village for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the village shall commence on the first day of July. He shall countersign all contracts made in behalf of the village, and all certificates of work done by order of the village council. He shall negotiate such temporary loans for the village as the village council may direct, and such loan shall be subject to the approval of the village council. He shall examine the reports, books, papers, vouchers and accounts of the treasurer, and from time to time shall perform such other duties as the village council shall direct. He shall not be directly or indirectly interested in any job or contract to which the village is a party. He shall receive for his services such sum as the village council may deem proper, not to exceed one hundred dollars per annum.

Village attorney.

SEC. 9. The village council shall have power to elect a village attorney and to define his duties and fix his compensation.

Duties of village attorney.

SEC. 10. The village attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the village council or its committees.

Duties of village marshal.

SEC. 11. The village marshal shall execute such orders and perform such duties as are prescribed by the village council for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the village and for all other purposes. He shall possess the powers of a constable at law under the statutes of this state and receive like fees, and said marshal shall have the power to appoint a deputy; said marshal shall be responsible for the acts of said deputy.

Duties of treasurer.

SEC. 12. The treasurer shall receive all moneys belonging to the village and keep an accurate and detailed account thereof, and on the first day of July, one thousand eight hundred and seventy-two (1872), and quarterly thereafter, he shall exhibit to the village council a full and detailed account of all receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which account shall be filed by the recorder. He shall from such moneys pay upon presentation all orders therefor drawn by the recorder and countersigned by the president. *Provided*, That no order shall be paid by him unless first endorsed in writing thereon, with the name of

the payee thereon, and the party receiving the money therefor.

SEC. 13. The village council may designate a newspaper published in said village in which shall be printed all ordinances and by-laws, the proceedings of said village council and such other matters as may be required by law; *Provided, however,* That all printing that shall be done for said village shall be let to the lowest bidder.

Village printer.

SEC. 14. The village printer or printers, immediately after the publication of any notice, ordinance, or resolution, or any other matters which by this act is or by village ordinances shall be required to be published, shall file with the recorder a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Copies of all ordinances, &c. to be filed by the printer.

SEC. 15. No member of the village council shall be a party to or interested in any job or contract with the village, and any contract in which any member of the village council may be so interested shall be null and void.

Members of the council not to be interested in contracts.

SEC. 16. The village council shall have power to elect a village surveyor who shall hold his office during the pleasure of the village council, who [which] shall prescribe his duties and fix the fees of compensation for any service performed by him, and all surveys, profiles, plans or estimates made by him for the village shall be the property of the village, and shall be carefully preserved in the office of the recorder, and open to inspection of parties interested, and shall also have the same legal force as similar acts performed by the county surveyor.

Village surveyor—his duties.

SEC. 17. The village of Fergus Falls shall be constituted one or more road districts, to be defined by the village council, and the highway labor and taxes shall belong to said road district.

Village to be constituted a road district.

SEC. 18. The street commissioner shall, under the direction of the village council, superintend the grading and improving the streets, alleys and the building and repairing of sidewalks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the village and discharge the same duties as are by law required of overseers of highways generally.

Duties of street commissioner.

SEC. 19. Any officer removing from the village, or any officer who shall neglect or refuse, 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 the village council shall proceed to fill the vacancy as prescribed.

Removal from village—duties of officers.

Council have power to exact additional duties and to appoint other officers.

SEC. 20. The village council shall have power from time to time to require other and further duties performed by any officer, whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The village council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

CHAPTER III.

Style of ordinances.

SECTION 1. The style of all ordinances shall be "The village council of the village of Fergus Falls do ordain."

Special powers of the council enumerated.

SEC. 2. The village council shall have the control and management of the finances and of all the property of the village, and the said council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all ordinances, rules and by-laws, for the government and good order of the village and for the suppression of vice as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules and by-laws, and such ordinances, rules and by-laws are hereby declared to be and have full force of law, and for these purposes shall have authority by ordinances, resolutions or by-laws; *Provided*, That they are not repugnant to the constitution and laws of the United States or of this state:

First—To license persons vending, dealing in or disposing of spirituous, vinous, malt or fermented liquors, within the limits of the said village of Fergus Falls, and persons so licensed shall not be required to obtain a license from the board of county commissioners, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, fermented or malt liquors, if first having obtained license therefor agreeably to the provisions of chapter sixteen of the general statutes. *Provided*, That no license shall be granted for less than fifty dollars, nor more than five hundred dollars, and that previous to the granting of any such license a bond shall be executed and filed with the recorder of said village, with the same conditions and with the same penal sum as required by the general act; and the council shall have full power to restrain any person from vending

liquors unless duly licensed by the village council of the said village.

Second—To license and to regulate the exhibition of common showmen and shows of all kinds, and the exhibition of caravans, circuses, concerts and theatrical performances, and also to license and regulate all auctioneers, billiard tables, pigeon hole tables, nine or tenpin alleys, bowling saloons, butchers' shops and butchers' stalls, and venders of butchers' meat, pawnbrokers, insurance offices and insurance agencies, taverns, lager beer saloons, and victualing houses. *Provided*, That not less than five dollars nor more than five hundred dollars shall be required to be paid for any license under this act; and the fee for issuing the same shall not exceed one dollar; and the said village council may at any time revoke any license granted under this act, for malconduct in the course of trade, and may regulate and restrain the sale of fresh or butchers' meat within the corporate limits of said village, and punish and restrain the forestalling of poultry, game, eggs or fruit within said village.

Special powers
of the council
enumerated.

Third—To restrain and prohibit the use of all gambling devices whatever, from being set or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices.

Fourth—To prevent any riots, noise, disturbance and disorderly assemblages in said village, 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.

Fifth—To direct the location and management of slaughter houses, markets, distilleries and breweries.

Sixth—To prevent the incumbrance of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, or any other material or substance whatever.

Seventh—To prevent and punish horse-racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or animals attached to vehicles or otherwise, while standing in the street, and to regulate places of bathing and swimming in the waters within the limits of said village.

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

Ninth—To prevent the running at large of dogs, to im-

pose a tax on the same, and to authorize their destruction in a summary manner when at large, contrary to the ordinance.

Special powers
of the council
enumerated.

Tenth—To prevent any person from bringing, depositing or having within said village, any putrid carcass, or other unwholesome substance, and to require the removal of the same by any person who shall have 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 and regulations regarding the same, to make and establish public grounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants.

Twelfth—To regulate the width and surface line of sidewalks, and to prevent damage thereto.

Thirteenth—To prevent the shooting of fire arms, crackers, rockets or other projectiles, and to prevent the exhibition of any fire works, in any location which may be deemed by the village council dangerous to the village or any property therein.

Fourteenth—To restrain drunkenness, immoderate drinking of intoxicating beverages, brawling or obscenity in the streets or public places.

Fifteenth—To license and regulate runners and solicitors for boats, stages, public houses, railroads and other establishments.

Sixteenth—To regulate the place and manner of selling, and to provide for the inspection and weighing of hay and stone coal, and the measuring of charcoal, firewood and other fuel.

Seventeenth—To compel the owners and occupants of buildings or grounds, to remove snow, dirt or rubbish from the sidewalks, streets or alleys opposite thereto, and in his default to authorize the removal thereof by some officer of the village, at the expense of such owner or occupant.

Eighteenth—To establish a board of health, and prescribe its powers and duties, and to prevent the introduction and spread of contagious diseases.

Nineteenth—To grant licenses to auctioneers, and to regulate the place and manner of holding public auctions.

Twentieth—To appropriate money and provide for the payment of the debts and expenses of the village.

Twenty-first—To alter, abolish, open, widen, extend, es-

establish, grade, repair or otherwise improve and keep in repair all streets, avenues and alleys.

Twenty-second—To establish and regulate police officers and watchmen, and prescribe their numbers and duties.

Special powers
of the council
enumerated.

Twenty-third—To provide for the erection of all needful buildings for the use of the village.

Twenty-fourth—To restrain and punish vagrants, mendicants and prostitutes.

Twenty-fifth—To provide for the enclosing, improving and regulating all public grounds belonging to the village, and for adorning the same and the streets of said village with shade trees, and make provision for the protection and preservation of the same.

Twenty-sixth—To provide from time to time for taking the enumeration of the inhabitants of the village.

Twenty-seventh—To prescribe limits within which wooden buildings or buildings of other materials that shall not be deemed fire-proof, shall not be erected, placed or repaired.

Twenty-eighth—To prevent the construction, placing and condition of chimneys, fire places, hearths, stoves, stove pipes, ovens, boilers and appurtenances used in and about any building in a dangerous manner, and when found so constructed to cause the same to be placed in a safe and secure condition, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the village.

Twenty-ninth—To provide a suitable place in which to confine those who, for the violation of any ordinance, rule or by-law enacted by said council, may be liable to such confinement.

Thirtieth—To impose fines, penalties and punishments for the breach of any ordinance or regulation of said village, to the extent of a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or both such fine and imprisonment, and to be fed on bread and water, at the discretion of the justice; and offenders against the same 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.

SEC. 3. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the village council, by ayes and noes, and published at least once in the official paper before the same shall be in force, and shall be admitted as evidence in any court in this state without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

Ordinances,
&c.; to be pass-
ed by affirma-
tive votes, by
ayes and noes.

Powers conferred on council not to restrict actions in courts.

SEC. 4. The power conferred upon the village 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. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous, fermented or malt liquors are sold without license required therefor, within the limits of said village are hereby declared and shall be deemed common nuisances.

Actions for penalties to be brought in name of village.

SEC. 5. All actions brought to recover any penalty, fine 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 village.

Prosecutions for violation of this act.

SEC. 6. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant; *Provided*, That no warrant shall be necessary in any case of 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 village; 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.

Marshal and other police officers vested with powers of sheriff's and constables.

SEC. 7. The marshal and other police officers are hereby vested with all powers of a sheriff or constable in the service of writs as granted to them by the laws of the state, and may pursue into any county of this state and take and bring back for trial any offender against the ordinances of said village.

Service of process against village, how made.

SEC. 8. When any suit or action shall be commenced against said village the service therein shall be made by copy left with the recorder of the village.

Officers of the peace, who are designated.

SEC. 9. The president of the village, sheriff of Otter Tail county and each and [every] trustee, marshal, recorder, justice of the peace of the village, and constables, shall be officers of the peace and suppress in a summary manner all disorderly behavior within the limits of the village, and for such purposes may command the assistance of the bystanders; and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than twenty-five dollars and not less than five dollars.

Village Justice, jurisdiction and powers.

SEC. 10. The village justice shall have jurisdiction in all respects equal to the jurisdiction and powers of justices of the peace under the laws of the State of Minnesota, and the same proceeding shall be had in all respects in civil and criminal actions as are applicable to the laws of this state governing the proceedings before justices of the peace; he shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases for offences committed in the village of Fergus Falls of which a

justice of the peace has jurisdiction under the statutes of the state of Minnesota. The said village justice shall have exclusive jurisdiction of all cases cognizable before a justice of the peace in which the village is a party, and shall have cognizance and exclusive jurisdiction in all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation in the said village of Fergus Falls or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offence committed against the same. All prosecutions for assaults, batteries, riots, crimes and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the names of the state of Minnesota and the village of Fergus Falls, and all process and writs issued by the said village justice shall be in the names of the state of Minnesota and the village of Fergus Falls, and shall be directed to the marshal of the village of Fergus Falls, or to the sheriff or any constable of any county in the state of Minnesota; and for such purpose said marshal, sheriffs and constables shall have and possess the power and authority which by the general laws of the state they have and possess in the execution or service of warrants, writs and other processes issued by justices of the peace elected under such general laws.

SEC. 11. The said justice of the peace shall, as often as the council may require, report to them all the proceedings before him, in which the village is interested, and shall at the same time account and pay over to the village treasurer all fines and penalties collected or received by him, belonging to the village; and said justice shall be entitled to receive the same fees in criminal cases as are allowed by statute to justices of the peace for similar services—such fees to be paid by the village. All fines and penalties imposed by the village justice for offenses committed within the village limits, or for violation of any ordinance, by-law or regulation of said village, shall belong to and be a part of the finances of said village.

To report proceedings and pay over fines.

CHAPTER IV.

SECTION 1. The village council shall have the power and authority to open, lay out or vacate streets and alleys within the limits of said village, which is conferred by the general laws of the state upon the boards of supervisors of townships, to open, alter, discontinue lay out roads, and in the manner of opening, laying out or vacating streets or alleys, and the assessment of damages, the village council

Power of council to open streets, order sidewalks, &c.

shall be governed by an act under the general laws of the state providing for altering, discontinuing and laying out roads; and appeals may be taken in the same manner to the county commissioners, as appeals are under the general laws taken from the decisions of township supervisors.

Sidewalks, by whom built.

SEC. 2. The cost and expense of building or repairing sidewalks shall be, at the option of the village council, chargeable to the lots fronting on such improvement; provided, that the consent in writing to such improvement, of the owners of one-third or more of such lots, shall first be filed with the village recorder, in any case where a sidewalk is to be constructed for the first time in front of such lots, but such consent shall not be required for the repair or renewal of such sidewalk. Whenever, in such case, the village council shall deem it necessary to repair or construct any sidewalk in the village of Fergus Falls, they may require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalks, to construct or repair the same at his or their own proper expense and charge within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land, or by publication in a newspaper printed and published in said village, for not less than two weeks, of a notice to said owner or occupants, setting forth what work is to be done and the character of the same, by such owners or occupants, and the time within which they are required to do the same.

Failure to build sidewalks, penalty.

SEC. 3. If such work is not done, and the sidewalks not built or repaired in the manner and within the time prescribed, the village council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of lands so chargeable, by the street commissioner and returned by him to the village council, and said assessment so made and returned, if approved by the village council, shall become a lien upon said lots and parcels of land as in case of town, county and state taxes.

Failure to pay assessment, to be enforced same as for delinquent tax.

SEC. 4. If said assessment be not paid to the street commissioner or the village, on or before the twentieth day of August, in any year, the village council shall cause a statement of the same to be transmitted, with the village taxes levied for that year, to the auditor of the county of Otter Tail, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and pay-

ment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

SEC. 5. The village council shall prescribe the width of sidewalks, and may establish different widths in different localities, and may order them constructed on one or both sides of any street, and the depth of gravel in graveling streets.

Width of sidewalk and material to be used.

SEC. 6. The village council shall have power by resolution to levy upon all the taxable property of said village, taxes to provide for the current expenses of the village government. Provided, That such taxes shall in no year exceed four mills on the dollar of the assessed valuation.

Taxation for current village expenses.

SEC. 7. The village shall not have power to contract debts or make expenditures for any one year in a larger sum than the amount of taxes assessed for such year, without having been authorized by a majority of the voters of said village.

Limitation in the contraction of debts.

SEC. 8. The village council shall cause to be transmitted to the county auditor of said county, on or before the first day of September in each year, a statement of all the taxes by them levied, together with a statement of the delinquent highway taxes; and such taxes shall be collected and the payment thereof enforced, with and in like manner as the state and county taxes are collected and the payment thereof enforced; and the county treasurer shall pay over such taxes, as fast as collected, to the treasurer of said village.

Tax levy to be transmitted to county auditor.

SEC. 9. The assessor of the village of Fergus Falls shall qualify and shall perform the duties pertaining to his office in accordance with the general statutes of this state in regard to township assessors. He shall be subject to all the liabilities and perform all the duties of a township assessor, and receive such compensation as the council may direct. No assessment of property within the village of Fergus Falls shall be made by any other than the village assessor, except as herein specially provided.

Duties of the assessor.

SEC. 10. All work by the village (except the highway taxes) shall be let by contract to the lowest bidder, and the village council may require a bond with sureties for the faithful performance of the contract; not less than ten days' notice shall be given of the letting of the contract by the posting of notices by the recorder in two public places in the village, to be signed by the president and the recorder, and also filing said notice with the recorder at the same time.

All work to be let by contract.

SEC. 11. The said village shall constitute one school district, under the general school laws of this state; provided, That any school district, or part of school district, adjacent to said village, may by a majority vote of the electors of such

School districts Real and personal estate.

school district, or part of school district, and with the consent of the village unite with said village for the purpose of forming an independent school district, under the general laws of this state.

Real and personal estate.
 SEC. 12. The said village may lease, purchase and hold real and personal estate sufficient for all municipal purposes thereof, and may sell and convey the same, and the same shall be free from taxation.

Not liable for board of prisoners held for violation of state laws.
 SEC. 13. The village of Fergus Falls shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the village, or any magistrate, to the jail of Otter Tail county, for any offense punishable under the state laws.

Inspectors of election.
 SEC. 14. The village council shall act as inspectors of elections and shall receive the same compensation as fixed by the laws of the state.

Highway labor and taxes.
 SEC. 15. The village council shall issue a warrant to the street commissioner containing the whole amount of highway labor and taxes assessed and levied in the village, which said warrant shall be returned by him to the recorder of the village. The laws of the state shall apply to warning, suing for and collecting highway taxes, and to returning delinquent taxes. The village council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns, in levying highway and labor taxes.

Compensation of officers.
 SEC. 16. No officer shall receive compensation except the treasurer, marshal, recorder, assessor, street commissioner, attorney, surveyor and village justice, and in all such cases compensation shall be fixed by ordinance, where the laws of the state do not define such compensation.

Delivery of books and papers to successors in office, &c.
 SEC. 17. Any person having been an officer of the village, who shall not within six days after requested by his successor in office, deliver all books, papers, property or effects in his hands pertaining to such office, or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects in the manner prescribed by the laws of this state for other officers.

Competency of citizens as jurors, witnesses, &c.
 SEC. 18. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, in any proceeding or action in which the village of Fergus Falls shall be a party in interest.

SEC. 19. If any election by the people or village council shall for any cause not be held at the time nor in the manner

herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day by order of the village council; and if any of the duties enjoined by this act or the ordinances or by-laws of the village to be done by any officer at any specified time, and the same are not so done or performed, the village council may appoint another time at which the said acts may be done and performed.

Failure of election not to suspend or abolish village government.

SEC. 20. 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.

Repeal of any part of this act to be by special law.

SEC. 21. This act is a public act, and need not be pleaded or proven in any court in this state.

To be regarded a public act.

SEC. 22. This act shall take effect and be in force from and after its passage.

When act to take effect

Approved February 29, 1872.

CHAPTER XV.

An Act to Incorporate the City of Lake City.

February 20,
1872.

CHAPTER I.

- SECTION 1. Corporate powers.
2. Boundaries of the city.
3. Division into wards.

CHAPTER II.

- SECTION 1. Annual elections--when held--Judges of.
2. Elective officers and their terms of office.
3. Removals from office.
4. Vacancies in office--how filled.
5. Elections to be by ballot.
6. Qualifications of electors.
7. Removal from city--duties of officers.
8. Relating to judges of elections.
9. Returns of elections--how made.
10. Special elections--how called.
11. Terms of office--when to commence.
12. Failure to elect--new election to be held.