

## CHAPTER 40.

[H. F. No. 179.]

## AN ACT TO AMEND AN ACT TO CONSOLIDATE AND AMEND AN ACT TO INCORPORATE THE VILLAGE OF LITCHFIELD.

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

SECTION 1. That the act entitled "An act to consolidate and amend " an act entitled 'An act to incorporate the village of Litchfield,' approved February 29, A. D. one thousand eight hundred and seventy-two (1872), and the several acts amendatory thereof," approved March 1st, one thousand eight hundred and eighty-seven (1887,) the same being chapter twenty-seven (27) of the special laws of one thousand eight hundred and eighty-seven (1887); be amended by striking out, adding to and altering the same in the manner following, to-wit :

SEC. 2. By inserting in section one (1) of chapter two (2) of said act immediately after the word "mayor" the words "one alderman at large."

SEC. 3. By so altering and adding to section two (2) of chapter two (2) of said act that the same shall read as follows :

"Section 2. Whenever a vacancy shall occur in any elective office, except treasurer, recorder, attorney and constable, such vacancy shall be filled by a new election which shall be ordered by the common council, and notice of the time and place of holding such election, and the officer or officers to be voted for thereat shall be given as herein provided for other elections. Whenever a vacancy shall occur in the office of treasurer, recorder, attorney or constable, such vacancy shall be filled by appointment by the common council. Any person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 4. By adding to the end of chapter two (2) of said act, the following :

Section 8. When two or more candidates for an elective office shall receive an equal number of votes for the same office the election shall be determined by the casting of lots in the presence of the common council, at such time and in such manner as it shall determine.

Section 9. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two-thirds ( $\frac{2}{3}$ ) of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defense.

Section 10. The common council shall, whenever it is deemed necessary, have the power to appoint a deputy recorder upon the nomination of the recorder, at such time and for such period as it may see fit. Such deputy shall have authority in the absence of the recorder, to transact all business that the recorder is authorized to

transact, and the recorder shall be responsible for all the official acts of such deputy.

SEC. 5. By adding to section eight (8) of chapter three (3) of said act the following proviso: *Provided*, that the said justices of the peace shall upon complaint made proceed to hear and determine without the intervention of a jury and without jury trial all suits, prosecutions and proceedings brought before them or either of them, for any violation of any ordinance, by-law or regulation of said village or the common council thereof.

SEC. 6. By striking out the paragraph numbered nineteenth (19th) in section four (4) of chapter four (4) of said act, and substituting therefor the following:

*Nineteenth*—To direct and regulate the planting and preserving of shade and ornamental trees in the streets and public grounds of said village.

SEC. 7. By adding to the end of section four (4) of chapter four (4) of said act the following:

*Twenty-eighth*—To license and regulate shooting galleries in the said village.

*Twenty-ninth*—To cause any street or streets, or portion thereof, within said village, to be sprinkled for such time and in such manner as the common council shall deem necessary, and to assess the cost thereof either wholly or in part as the council shall determine, upon the taxable lots and lands fronting upon such street or streets or portion thereof so sprinkled by an equal rate per front foot of such lots or lands without regard to the value thereof or the improvements thereon. Such levy or assessment to be made annually at the time of making the general tax levy for said village, and such assessment to be collected in the same manner as other taxes for village purposes are collected.

SEC. 8. By striking out from section one (1), of chapter seven (7) of said act the words "one (1) per cent." and inserting in lieu thereof the words "one-half ( $\frac{1}{2}$ ) of one (1) per cent."

SEC. 9. By striking out from section two (2), of chapter seven (7), of said act the words "one (1) per cent." and inserting in lieu thereof the words "one-half ( $\frac{1}{2}$ ) of one (1) per cent."

SEC. 10. By striking out from section four (4), of chapter seven (7), of said act at the end thereof the words "but in such case the surplus shall be placed in the fund for which it was levied, and shall be kept and used for the future purposes of such fund."

SEC. 11. By striking out the whole of section seven (7), of chapter seven (7), of said act.

SEC. 12. This act shall take effect and be in force from and after its passage.

Approved February 4th, 1889.