

## CHAPTER 70—H. F. No. 73

*An act relating to village councils and amending Mason's Minnesota Statutes of 1927, Section 1186.*

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

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 1186, is hereby amended to read as follows:

**"1186. Council — powers — ordinances.**—*Subdivision 1.* The village council shall be composed of five members, of whom three shall be a quorum, and shall have power to adopt, amend; or repeal all such ordinances, rules, and by-laws as it shall deem expedient for the purposes *set out in subdivisions 2 to 26.*

*Subdivision 2.* *The village council shall have power to regulate the mode of its own procedure, and to fix the compensation of its employees, when not otherwise prescribed.*

*Subdivision 3.* *The village council shall have power to procure the books required to be kept by village officers, and such furniture, property, stationery, and printing as shall be necessary for village purposes.*

*Subdivision 4.* *The village council shall have power to provide for the prosecution or defence of actions or proceedings at law in which the village may be interested, and employ counsel therefor.*

*Subdivision 5.* *The village council shall have power to appoint, when necessary, a village attorney, a poundmaster, a street commissioner, one or more keepers of cemeteries, one or more fire wardens, a marshal, and one or more policemen. Every such appointee shall give such bond as the council may require, conditioned for the faithful discharge of his duties, and the proper application and payment of all moneys by him officially received.*

*Subdivision 6.* *The village council shall have power to control and protect the public buildings, property, and records, and insure the same.*

*Subdivision 7.* *The village council shall have power to renumber the lots and blocks of the village or any part thereof, and to cause a revised and consolidated plat of the same to be made and recorded.*

*Subdivision 8.* *The village council shall have power to establish a fire department, appoint the officers and members thereof, and prescribe their duties; to provide fire engines and*

other fire apparatus, engine houses, pumps, water mains, reservoirs, and other waterworks; to compel the inhabitants to aid in the extinguishment of fires, and to raze such buildings in the vicinity of a fire as any two or more members of the council present may direct, for the purpose of preventing its communication to other buildings; to establish fire limits within which wooden or other combustible buildings shall not be erected; to require owners or occupants of buildings to provide and keep on their premises suitable ladders and fire buckets, and, after reasonable notice to, and refusal by, such owner or occupant, to procure and deliver the same to him, and assess the cost thereof as a special tax upon such real estate, to be collected as other village assessments are collected; to regulate the storage of gunpowder and other dangerous materials; to require the construction and use of safe places for the deposit of ashes; to regulate the manner of putting up stovepipes, and the construction and cleaning of chimneys; to prevent bonfires and the use of fireworks and firearms in the village; to authorize fire wardens at all reasonable times to enter into and examine lots, inclosures, and buildings, in order to discover whether any of them are in dangerous condition, and to cause such as may be dangerous to be put in safe condition; and, generally, to take such measures for the prevention or extinguishment of fires as may be necessary or proper.

*Subdivision 9. The village council shall have power to lay out, open, change, widen, extend, or vacate streets, alleys, parks, squares, and other public ways and grounds, and to grade, pave, and repair the same; to establish and maintain drains, canals, and sewers, and to alter, widen, or straighten watercourses; to lay, repair, or otherwise improve, or to discontinue, sidewalks, paths, and crosswalks; to prevent the encumbering of streets or other public ways or grounds with vehicles, railway cars or engines, building material, or other substances; to prevent racing or the immoderate riding or driving of animals or vehicles in the village, or the use of sidewalks for other than pedestrian purposes; to require the owners or occupants of buildings to remove snow, dirt, or rubbish from the sidewalks adjacent thereto; and, in default thereof, to authorize such removal at the owner's expense. But no street or alley shall be vacated except upon petition as in this chapter provided.*

*Subdivision 10. The village council shall have power to define sprinkling districts and to require owners or occupants of lots or lands abutting on any public street or alley, to pay the proportionate share of the expense of sprinkling with water or oil any such street or alley, and in default of such payment*

to provide for the assessment of such proportionate share against such lots or lands to be collected as other taxes are collected.

*Subdivision 11.* The village council shall have power to restrain the running at large of cattle, horses, mules, sheep, swine, poultry, and other animals, and to authorize the distraining, impounding, and sale thereof; to establish pounds, and regulate and protect the same; to require the fastening or confinement of animals while in the streets or alleys of the village, and to prescribe the place and manner thereof; to regulate the speed of electric or steam engines or cars running in or through the village; to prevent the running at large of dogs, and authorize the destruction, in a summary manner, of such as are unlawfully at large; to license public porters, solicitors, or runners, cartmen, hackmen, omnibus drivers, and guides, and establish regulations for their conduct as such; and to prevent unnecessary noise or other disorder.

*Subdivision 12.* The village council shall have power to establish and regulate markets, provide public scales, appoint a weighmaster, and restrain sales in the streets.

*Subdivision 13.* The village council shall have power to purchase and hold cemetery grounds within or without the village limits, to enclose, lay out, and ornament the same, and to sell and convey lots therein; such ground so acquired or portion thereof as may be required for that purpose shall be surveyed into lots of such size as the village council shall direct, with such avenue, alleys and walks as they shall deem proper and a map of such survey shall be filed in the office of the register of deeds of the county of its location; to establish public parks, parkways and walks, and enclose, improve, ornament and protect the same; to appoint a park board and provide for and regulate the setting out and protection of trees, shrubs and flowers in the village or upon its property; and when any parkway is established or improved along the street frontage of private property, the special benefits if any resulting therefrom to lots and parcels of land fronting on such parkway may be assessed against the same and collected as other special assessments are collected.

*Subdivision 14.* The village council shall have power to prevent or license and regulate the exhibition of circuses, theatrical performances, or shows of any kind, and the keeping of billiard tables, pigeonhole tables, and bowling alleys; to restrain or license and regulate auctioneers, transient dealers, hawkers, and peddlers; and in all such cases to fix the price of said license, and prescribe the term of its continuance, and to

revoke such license when, in the opinion of the council, the good order of the village requires it: Provided, that the council, in its discretion, may refuse to grant a license for any of the above purposes, and the term of no such license shall extend beyond the annual election next after the granting thereof.

*Subdivision 15.* The village council shall have power to prohibit gift enterprises, all gambling devices, and all playing of cards, dice, or other games of chance or skill for the purpose of gaming; to restrain and punish vagrants, tramps, mendicants, prostitutes, and persons guilty of lewd conduct; to punish drunkenness; and to license and regulate or prohibit the selling, bartering, disposing of, or dealing in spirituous, malt, fermented, vinous, or mixed intoxicating liquors of any kind, and to revoke any license for the sale of such liquors already granted whenever the council, after a hearing of the case, shall deem it proper.

*Subdivision 16.* The village council shall have power to establish and maintain public libraries and reading rooms, purchase books and periodicals therefor, and make needful rules for the safekeeping and handling of the same.

*Subdivision 17.* The village council shall have power to remove any officer appointed or elected by the council, whenever, in its judgment, the public welfare will be promoted thereby.

*Subdivision 18.* The village council shall have power to purchase, lease, or build, and to maintain, a watchhouse or other place for the confinement of offenders against the rules, ordinances, and by-laws, and for the temporary detention of suspected persons.

*Subdivision 19.* The village council shall have power to establish a board of health, with all the powers of such boards under the general laws; to provide hospitals, and regulate the burial of the dead; to define nuisances, and prevent or abate the same; to require the owner or occupant of any grocery, cellar, tallow chandler's shop, factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous building or place, to remove, abate, or cleanse the same; to direct the location and management of slaughterhouses, and to prevent the erection, use, or occupation of the same, except as authorized; to prevent the bringing, depositing, or leaving within the village of any putrid carcass or other unwholesome substance; to require the owners or occupants of lands to remove dead animals, stagnant water, or other unwholesome matter therefrom; to provide for the cleaning, and removal of obstructions

from, any river, stream, lake, slough, or watercourse within the village; and to prevent the obstruction or retarding of the flow of waters therein, or the fouling of the same.

*Subdivision 20.* The village council shall have power to provide, and regulate the use of, wells, cisterns, reservoirs, waterworks, and other means of water supply.

*Subdivision 21.* The village council shall have power to provide for lighting the village streets, buildings or grounds by gas, electricity, or other means, and to contract with anyone engaged in the business of furnishing gas or electric service for the supply thereof to the village and its inhabitants.

*Subdivision 22.* The village council shall have power to establish harbor and dock limits; to regulate the location, construction, and use of piers, docks, wharves, and boathouses on navigable waters; and to fix rates of wharfage.

*Subdivision 23.* The village council shall have power to levy and collect taxes, including poll tax and assessments, audit claims against the village, and direct orders to issue for their payment; to refund, wholly or in part, any tax or special assessment unjustly or illegally collected; to authorize village bonds to be issued in the cases provided by law; and, generally, to manage the financial concerns of the village; and they shall prepare and cause to be publicly read at the annual village election a detailed statement showing the amount in the treasury at the beginning of the year, when and from what sources all moneys paid into the treasury during the year were derived, and when, to whom, and for what purpose all money expended was paid, with the balance then in the treasury, which statement shall be recorded in the minute book and preserved in the recorder's office.

*Subdivision 24.* The village council shall have power to provide for the government and good order of the village, the suppression of vice and immorality, the prevention of crime, the protection of public and private property, the benefit of trade and commerce, and the promotion of health, by such ordinances, rules, and by-laws not inconsistent with the constitution and laws of the United States or of this State as they shall deem expedient.

*Subdivision 25.* The village council shall have power to regulate the construction of buildings within the village.

*Subdivision 26.* The village council shall have power to declare that the violation of any ordinance, rule, or by-law herein authorized shall be a penal offence, and to prescribe

penalties therefor: Provided, that no such penalty shall exceed a fine of one hundred dollars, or imprisonment in a village or county jail for a period of three months; but in either case the costs of prosecution may be added, and, in default of payment of fine or costs, the person committed may be confined in such jail until payment is made or said period has expired.

Approved March 15, 1941.

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CHAPTER 71—H. F. No. 343

*An act relating to water conservation and penalties for violation of the laws relating thereto, amending Mason's Supplement 1940, Section 6602-63.*

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

Section 1. Law amended.—Mason's Supplement of 1940, Section 6602-63, is hereby amended to read as follows:

"6602-63. Violation a gross misdemeanor.—Any person or persons, partnership, association or corporation, public or private, that shall do or cause to be done, any act or thing contrary to or required by the provisions of this act, or that shall fail, neglect or refuse to do or cause to be done any act required by the provisions of this act; or that shall violate or fail to comply with any order of the commissioner of which due notice shall be given; or that shall violate any of the provisions of this act, shall be guilty of a *gross* misdemeanor and upon conviction thereof, shall be sentenced to pay a fine of not more than \$1,000, or, in the discretion of the court, such person or persons, or the members of such partnership or association, or the officers and directors of such corporation, public or private, may be sentenced to imprisonment for a period not exceeding one year, either or both, in the discretion of the court. In the case of the state or any agency thereof, counties, municipalities, and other political subdivisions of the state, the officials responsible for the violation shall, after hearing, be subject to removal from office by the governor of the state."

Approved March 17, 1941.

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CHAPTER 72—S. F. No. 139

*An act relating to constitutional amendment ballots and amending Mason's Supplement 1940 to Mason's Minnesota Statutes of 1927, Sections 601-6(7)b and 601-8(1)g.*