

CHAPTER IV.

March 4, 1870.

An Act to incorporate the Village of Kasson.

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

SECTION 1. That all the territory embraced in the following boundaries to wit: The east half of section number thirty-two and all of section number thirty-three in township number one hundred and seven north, of range sixteen west, shall be known as the village of Kasson, and shall have the powers generally possessed by municipal 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 such real and personal estate within or without the limits thereof as the purposes of the village may require.

Boundary lines—
corporate rights.

SEC. 2. The elective officers of said corporation shall be one president, one recorder, three trustees, one treasurer, one justice of the peace, and one constable, 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 common council shall have power to appoint and define the duties of such other officers as to said common council may seem

Elective officers
—term of office.

necessary. *Provided*, That when a member of the common council holds any appointed office, he shall not vote upon any question involving his action as such appointed officer.

SEC. 3. 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 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 and constable shall each give bond in sum not less than two hundred dollars, to be determined by said council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be filed with the recorder of said village.

SEC. 4. That the president, recorder and trustees shall constitute the common council, to which body shall belong all the legislative powers granted by this act to said corporation. 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 Kasson," but no ordinance shall embrace more than one subject, which shall be expressed by its title. The common council shall meet for the transaction of business at least once in three months, and a majority thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the common 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 the majority of all the members of the common council. A record, in book form, shall be kept by the recorder, in which he shall record all the proceedings of the common council, and ayes and noes on every ordinance voted upon shall be entered therein.

SEC. 5. 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 must from their nature necessarily pertain to the other executive officers of said corporation, and whether said

Officers to take oath and give bonds.

Style of ordinances—when and where to meet quorum—who to preside over council—duty of recorder.

Powers of President of council.

officers are created by this act or by the common council. He shall have power, and it shall be his duty to call out and use in such manner as may seem most proper, all the constabulary or police of said corporation when he may deem it necessary to quiet or prevent riot. 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 such provision, in such manner as he may deem meet and proper.

SEC. 6. That the recorder shall be the recording officer of the village, and of the common 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 receive all moneys payable to said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith, and taking his receipt therefor. 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 said corporation, previously audited and allowed by the common council. He shall also make to the common council at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and he shall with all reasonable dispatch make such other reports, and at such times as the common council shall require.

Duties of
recorder.

SEC. 7. That the treasurer shall be the depository of all moneys belonging to said corporation. 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.

Duties of
treasurer.

SEC. 8. The justice of the peace provided for and elected under the provisions of this act, shall have and possess all the powers and jurisdiction of justices of the peace provided and elected under the general laws of the state, and in addition thereto, shall have cognizance and jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of said corporation, or

Jurisdiction of
justices of the
peace—to make
report to council
—what to contain

under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays, not indictable, and for a breach or violation of any by-law, ordinance or regulation, shall be commenced in the name of the village of Kasson, and the same proceeding shall be had in all civil and criminal suits or prosecutions, before said justice when not otherwise herein directed, as are established and required to be had in civil and criminal actions by the general laws of the state, before justices of the peace, except that no change of venue shall be taken. All fines, forfeitures and penalties imposed by, or recovered before said justice in any suit, prosecution or proceeding had and commenced in the name of the said village, shall be promptly paid by said justice to the recorder of said corporation, for the use thereof. The justice of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation, and it shall not be necessary in any action, civil or criminal, before said justice, to plead or refer to the same in any manner whatever, in any pleading or complaint, but said by-laws, ordinances and regulations shall in said justice court be held and deemed to be public law. The justice of the peace shall at least once in three months, make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. Any justice of the peace elected or appointed in the village of Kasson, under the general laws of the state and residing within the limits of the corporation, upon filing the bond and oath of office hereinbefore prescribed for the justices of the peace, shall have concurrent jurisdiction with the justice of [the] peace elected under the provisions of this act, and be subject to the same liabilities and restrictions. In case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said corporation, or of this act, or for an assault, battery or affray, not indictable, committed within the limits of said corporation, no appeal shall be allowed when the judgment or fine imposed, exclusive of costs, is less than ten dollars. The fees of the justice of the peace shall be the same as allowed and fixed by the general laws of the state for justices of the peace. All warrants, writs and processes of every nature, issued by such justice, shall be directed to the sheriff or any constable of the county of Dodge, and may be executed or served by the constable

elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purpose said sheriff 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. 9. The constable elected under the provisions of this act, shall be the ministerial officer of the council, and shall have and possess all the powers belonging to the constables elected under the general laws of the state, and his compensation, except as in section ten, of chapter first, of this act is otherwise provided, shall be fixed by ordinance of the council; and said constable shall within the county in which he resides, also have and exercise all the powers, and perform all the duties of, and when acting as such, receive the same compensation as constables elected under the general laws of the state. He shall also be chief of the police force of said village, but as such shall be subordinate to the president.

Duties of constable.

SEC. 10. There shall be an annual election for elective officers herein provided for, on the first Monday in April in each and every year, and the polls shall be kept open from ten o'clock in the forenoon until four in the afternoon, and ten days previous notice shall be given by the common council of the time and place of holding such election, and the officers to be elected, by posting notices thereof in three of the most public places in the village. At the said elections the trustees, or any two of them, shall act as judges of election, and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers, the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present, by one of the judges, and the recorder shall make true record thereof, and within five days thereafter, he shall give notice in writing to the persons so elected of their election. The first election under the provisions of this act, shall be held on the first Monday in April, A. D. one thousand eight hundred and seventy, and shall be conducted by Jonathan Owen, J. H. Kasson and John E. Bunker, with power of appointment and substitution in case of absence.

Annual election when held—notice to be given.

SEC. 11. Whenever a vacancy shall occur in any elec-

Vacancies, how filled.

tive office, 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 shall be given as hereinbefore provided for other elections. Any person elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

CHAPTER II.

Who to control finances—further powers of council.

SECTION 1. The common council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws, and regulations for government and good order of the village, for the suppression of vice and intemperance and for the prevention of crime, as they shall deem expedient. The common council 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, by-law or regulation passed and ordained by them; and all such ordinances, rules, and by-laws and regulations are hereby declared to be and have the force of law. *Provided*, That they be not repugnant to the constitution of the United States or of this State, and for those purposes shall have authority by ordinances, rules, by-laws or regulations—

First.—To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts, or theatrical performances, billiard tables, nine or ten pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors.

Second.—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said village, and to restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Third.—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 or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

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

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

Sixth.—To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds, with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatever. Powers of council.

Seventh.—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing in the streets; 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 of such animals for violation of the ordinances.

Ninth.—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large, contrary to the ordinance.

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 upon his premises any 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 officers, at the expense of such person or persons.

Eleventh.—To make and establish public pounds, 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 establish and regulate boards of health, and provide hospitals and hospital grounds.

Thirteenth.—To prevent all persons riding or driving any ox, mule, cattle, or other animal on the sidewalks in said village, or in any way doing any damages to such sidewalks.

Fourteenth.—To prevent the shooting of fire-arms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council dangerous to the town, or any property therein, or annoying any citizen thereof.

Fifteenth.—To prevent open or notorious drunkenness and obscenity in the streets or public places of said village, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Powers of council.

Sixteenth.—To license and regulate butchers' stalls, shops and stands for sale of game, poultry, butchers' meat, butter, fish and other provisions.

Seventeenth.—To regulate the place and manner of weighing hay and selling the same, and the measuring of and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Eighteenth.—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the board of health shall direct; and in his default, to authorize the removal or destruction thereof, by some officer of the village, at the expense of such owner or occupant.

Nineteenth.—To provide for watchmen, and to prescribe their numbers and duties, and regulate the same, and to create and establish the police of said village, and to prescribe the number of police officers and their duties, and to regulate the same.

Twentieth.—To provide by ordinance for a standard of weights and measures, for appointment of a village sealer, and to require all weights and measures to be sealed by the village sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-first.—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Twenty-second.—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 nuisances.

Twenty-third.—To remove and abate any nuisance, obstruction, encroachment upon the streets, alleys, public grounds and highways of the village.

Twenty-fourth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health, and the suppression of disease, and to make regulations to prevent the introduction of contagious or infectious diseases into the village, and to make quarantine laws and to enforce the same within the village.

Twenty-fifth.—To restrain and punish mendicants, street beggars and prostitutes.

Twenty-sixth.—Fines, penalties and punishments imposed by the common council for the breach of any ordinance, by law or regulation of said village, may extend to a fine not exceeding one hundred dollars, and imprisonment not exceeding thirty days, or both, 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. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the common 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 the state, without further proof; they shall be recorded by the recorder in books to be provided for that purpose.

SEC. 3. The power conferred upon the common 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 or fermented liquors are sold without license required therefor, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justice, and all other officers and agents of the town, at such times as they may deem proper, and also at the end of each year, and

Powers of council.

All ordinance to be published—what deemed legal evidence of the passage of ordinances.

What deemed to be common nuisances.

To examine accounts of officers.

before the term for which the officers of said village were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers, for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said council in discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said council, or a committee thereof, it shall be the duty of the common council to declare of such person vacant, and the common council shall order suits and proceedings at law against any officer or agent of said village, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER III.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, may in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. 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 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 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.

SEC. 3. The constable 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 law of the state, and may pursue into any county in this state, and take and bring back for trial, any offender against the ordinances of said village.

SEC. 4. All ordinances and resolutions heretofore made and established by the village council of the village of Kasson, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the common council, after this act shall take effect.

SEC. 5. When any suit or action shall be commenced

How actions to be brought.

In what cases warrant to be issued—what cases not issued.

Powers of chief of police.

Previous act to remain in force.

against said village, the service therein shall be made by copy left with the recorder of the village.

On whom papers to be served in case of suit.

SEC. 6. 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.

No law repealing or modifying the same unless expressly set forth.

SEC. 7.* The sale of intoxicating, vinous, spirituous, malt or fermented liquors, within the limits of said village, is hereby declared to be under the exclusive control of the common council of said village, and all fines imposed for violation of any ordinance regulating such traffic, shall be paid into the treasury of the village for the use thereof.

Sale of liquor under control of council.

SEC. 8. The common 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 or lay out roads, and in the matter of opening, laying out or vacating streets or alleys, and the assessment of damages, the common council shall be governed by and 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.

Council may lay out and vacate streets, &c.

SEC. 9.. The cost and expense of building, grading, paving or repairing sidewalks, shall be at the option of the common council, chargeable to the lots fronting on said improvement. Whenever the common council shall deem it necessary to construct or repair any sidewalk in the village of Kasson, 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 the 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.

Expense of constructing sidewalks, how paid.

SEC. 10. If such work is not done and the sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same

Duty of council when owners of lots neglect to repair sidewalks—duty of street commissioner.

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 common council. And said assessment so made and returned, if approved by the common council shall become a lien upon said lots and parcels of land, as in case of town, county and state taxes.

When to transmit statement of taxes levied.

SEC. 11. 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 common 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 Dodge, 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 payment thereof enforced with and in like manner as county and state taxes are collected and payment enforced.

To prescribe width of sidewalk and material used.

SEC. 12. The common council may prescribe the width of sidewalks and may establish different widths in different locations and may determine the kind of material of which they shall be constructed, having regard to the business and amount of travel in the vicinity of each.

What property subject to taxation.

SEC. 13. All property, real and personal, in the village except such as may be exempt by the laws of this state, or is village property, shall be subject to taxation not exceeding two and one-half mills on the dollar per year for general purposes. Such property shall also be liable for such special taxes as the common council are herein authorized to levy.

Further powers of council.

SEC. 14. The common council shall have full power to order and direct the levy and collection, within the limitation prescribed by law, of taxes sufficient to give full effect to the powers herein conferred.

Manner of assessing and collecting taxes.

SEC. 15. The common council shall have power to provide by ordinance for the manner of assessing and enforcing the collection of all taxes levied under the provisions of this act, but until express provision is made in regard to that subject, all taxes shall be collected as follows: The recorder shall deliver to the county auditor of Dodge county a certificate signed by him under the seal of the corporation, setting forth the amount levied upon every dollar in value of the taxable property within the limits of the village of Kasson, as incorporated by this

act, it thereupon shall become the duty of the said auditor to add the amount thus levied to the assessment rolls of the year in which such levy was made, and it shall become the duty of the county treasurer of said county, to collect the amount thus added to the assessment roll, and to enforce the collection of the same in like manner as any other tax of the said county of Dodge, placed in his hands for collection, and to pay the amount so collected to the treasurer of the village of Kasson, incorporated by this act.

SEC. 16. In any action brought to recover any penalty or damages under this act, or under any ordinance made by the common council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the common council; they shall have power to settle, compromise or prosecute all such actions on the part of the village when said village shall be a party, or be interested in such actions, and no person shall be an incompetent juror by reason of being an inhabitant of said village, in an action to which the village shall be a party.

How actions may be brought to recover fines.

SEC. 17. In all respects not herein provided for, said village shall be and continue a part of the township of Mantorville.

To remain a part of the township of Mantorville.

SEC. 18. The corporation is invested with all powers to carry into full force, virtue, and effect all and every part of the charter of said village, 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 interest thereof.

Corporate powers of said village.

SEC. 19. All previous acts and amendments thereto, which in any way conflict with the provisions of this act, are hereby repealed.

Repeal of inconsistent acts.

SEC. 20. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 4, 1870.