

CHAPTER CXXXIX.

AN ACT TO PROVIDE FOR THE ORGANIZATION OF VILLAGES IN THE STATE OF MINNESOTA.

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

What deemed
a municipal cor-
poration.

SECTION 1. That any district, section or sections, or parts of sections in the state of Minnesota, which may hereafter be set apart by act of the legislature for incorporation as a village, and shall organize as such municipal corporation, by the action of the inhabitants thereof, in the manner and form hereinafter provided, shall thereupon be endowed with all the rights, powers and duties incident to municipal corporations at common law, with perpetual succession, and shall, by the corporate name and style authorized or adopted, be capable of contracting and being contracted with, of suing and being sued, and of pleading and being impleaded in all courts of law and equity, and have a common seal, which may be altered at the pleasure of the village council, and shall have power to take, hold, purchase, lease and convey such real estate and personal property or mixed estate as the purposes of the corporation may require, within or without the limits of such corporation.

Elective officers
of—term of of-
fice—oath of
office duties of
treasurer.

SEC. 2. The inhabitants of said village having the qualification of electors of members of the legislature of the state of Minnesota, as hereinafter provided, may elect a president, three trustees, a treasurer and a recorder, who shall hold their respective offices for one year, or until their successors are elected and qualified; also a justice of the peace and a constable, who shall hold their respective offices for two years, or until their successors are elected and qualified; and before entering upon the duties of their respective offices, they shall each take an oath or affirmation to support the constitution and laws of the state of Minnesota and faithfully discharge the duties of his office. The treasurer shall give such bonds as the village council may require. The treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and shall exhibit such account, together with his vouchers, to the village council, at its annual meeting, or at any time when called for by resolution of said council, for adjustment, and shall deliver all books and papers belonging to the office, and the balances of all moneys, as such treasurer, to his successor in office. *Provided further,* That the treasurer shall not pay out any

moneys in his hands except upon the written order of the president of the council, attested by the recorder. The treasurer shall, from time to time, draw from the county treasury such moneys as may be due said corporation, for the use of said village, and on receipt of such moneys, give proper vouchers therefor.

SEC. 3. The treasurer shall, one-week previous to the annual election of village officers, make a detailed statement in writing of the moneys received by him, and the sources from which the same were received, and their respective amounts, and also the amounts paid out by him, and the purposes for which they were paid. Such statement shall be filed by him in his office, for the inspection of any tax-payer residing within the corporate limits of said village.

When treasurer to make annual statement.

SEC. 4. The president, the three trustees, and the recorder, shall be the village council of said village, any three of whom shall constitute a quorum for the transaction of any business, and shall have full power and authority to enact, adopt, modify, enforce, and from time to time, amend or repeal all such ordinances, rules and by-laws, as they shall deem expedient, for the following purposes, viz. :

What to constitute a village council.

First.—To provide for the construction and maintenance of suitable sidewalks and street crossings, as they shall deem expedient, at the expense of the owners of the lots or parts of lots respectively opposite and adjoining to such sidewalks or crossings, or out of the common fund of the village.

Second.—To prevent riots, noise, disturbances of public or religious meetings, and to punish any person or persons who may be so engaged, and generally to promote and preserve good order and the public peace.

Third.—To prevent the encumbering of streets, sidewalks or alleys, with any material or substance, detrimental to the public good.

Fourth.—To restrain the running at large of cattle, swine, sheep, horses, mules and poultry, and to authorize the impounding and distraining of the same.

Fifth.—To prevent open or notorious drunkenness, brawling or obscenity in the streets, alleys, or public places, and to provide for the punishment of all persons so violating the ordinance or ordinances in such cases made and provided.

Sixth.—To prevent all persons from doing damage to sidewalks, shade trees, public wells, cisterns or pumps.

Seventh.—To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage and conveyance of gunpowder, or other combustible material.

Eighth.—To compel the owners or agents of any yard, pen, privy, sewer, or any unwholesome or nauseous place, to clean, remove or abate the same as the village council may deem necessary for the health, comfort and convenience of the inhabitants of said village.

Powers of council.

Ninth.—To prevent the dangerous construction of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, boiler-stacks, and apparatus in or about any building, and to cause the same to be placed in a safe condition, at the expense of the owner or owners; to prevent the deposit of ashes in unsafe places, or the throwing of them in the street; to regulate and prevent the use of fire-arms, and to establish such regulations for the prevention and extinguishment of fires as they may deem expedient and proper; and may also provide for the sinking of wells, cisterns, or tanks, and furnishing them with pumps or buckets and hose; and may also direct the owners, agents, or lessees of any building or buildings, in any exposed parts of the village, to procure and keep constantly on hand, ready for immediate use, ladders of sufficient length to reach the highest part of their buildings, and pails or buckets; and may also direct that tubs or barrels of water or brine may be kept filled at all times.

Tenth.—The village council may, by a unanimous vote, exempt a limited number of legal voters, residents of said village, from highway tax or serving on juries, provided they are members of a fire company organized and regulated under the direction of said village council.

Eleventh.—To license public showmen or exhibitions, billiard tables, and bowling alleys.

Twelfth.—To prevent and punish horse racing and immoderate riding and driving in the streets, to compel persons to fasten their teams attached to vehicles while in the streets.

Thirteenth.—To restrain and prohibit gift enterprises, all descriptions of gaming, and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purposes of gaming; and to restrain any person from giving or dealing in spirituous, malt, fermented or vinous liquors, unless duly licensed by such village council.

Fourteenth.—To restrain and punish vagrants, mendicants, street beggars and prostitutes, and to suppress houses of ill-fame.

Fifteenth.—To establish and regulate boards of health, provide hospitals and pest houses, and prevent the spread of infectious disease.

Sixteenth.—To license, regulate and restrain hawkers, peddlers, auctions and auctioneers.

Sec. 5. Said village council shall have 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 or by-law enacted by them, and all such ordinances, rules and by-laws are hereby declared to have the force of law; *Provided*, They are not repugnant to the constitution and laws of the United States and the State of Minnesota.

Sec. 6. All ordinances, rules and by laws shall be enacted by a majority of all the members of the village council, and

Violation of ordinances—
punishment for

shall be signed by the chairman, attested by the recorder, and published once in a newspaper published in the county in which said village shall be situate; and if there be no newspaper published in such county, then by posting them conspicuously in three of the most public places in said village for ten days, and shall be recorded in a book kept for that purpose.

Ordinances,
etc., how en-
acted.

SEC. 7. All prosecutions for violating any of the ordinances, rules or by-laws enacted under the provisions of this act, shall be brought in the corporate name of said village, and shall be commenced by warrant upon complaint being made as required by law in criminal cases before justices of the peace, and the same proceedings shall be had therein as are required to be had by the laws of this state in criminal or civil actions, before justices of the peace; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the state of Minnesota or ordinance of said village; but in such cases a complaint shall be made, which the justice shall reduce to writing, and the party be required to plead thereto, as to a warrant in other cases; and the person or persons so arrested may be proceeded against in the same manner as if the arrest had been made by warrant. All process issued by the justice of the peace of said village, shall be directed to any constable of said village or county. It shall be a sufficient pleading of the by-laws or ordinances of said village, to refer to the chapter and section thereof, and giving them in evidence under the complaint. The justices of the peace of the village shall have and possess exclusive and original jurisdiction of all cases arising under the provisions of this act.

Prosecutions.

SEC. 8. All fines and penalties imposed under or by virtue of the provisions of this act, shall belong to the village, and shall constitute a fund to pay the expenses incurred under the provisions of this charter.

Fines and pen-
alties.

SEC. 9. Whenever the persons designated for the purpose in any act of the legislature shall receive official notice by the secretary of state of the passage of an act so designating them, under the provisions of this general law, and the approval of the same by the governor of the state, the said persons shall post notices in three of the most public places in the village, giving at least five days notice to the legal voters, residents of said incorporated village, to meet to organize under the provisions of this act, and elect officers for the ensuing year. The action of a majority of said persons shall be considered the action of the whole number. And the electors present at the time and place designated in the call, may organize such meeting by choosing, *viva voce*, two judges election and one clerk, who, before entering upon the discharge of their duties, shall take and subscribe an oath or affirmation to faithfully discharge the duties required of them, and said judges and clerk being duly qualified, shall forthwith open the

How meetings
may be called
to organize a
village.

polls by proclamation, and conduct the election in the manner prescribed by the statutes of the state for the election of township officers; and the judges of election shall give to each person elected a certificate of his election, and such officers so elected, after having qualified according to the laws of the state, shall forthwith enter upon the discharge of their duties.

When annual election to be held—how conducted.

SEC. 10. After the first election of officers, the village council, or any two of them being present, shall act as judges of election, and the annual meeting shall be on the first Tuesday of January for the election of officers, and at such place as may be directed by the village council, after giving ten days' notice thereof, either by posting written notices in three of the most public places in the village, or by publishing such notice in a newspaper printed in said village. The polls shall be opened at one o'clock p. m., and close at four o'clock in the afternoon of said day. At the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters by some one of the judges of election, and the recorder shall make a true copy thereof in a book kept for such purposes, and within five days notify in writing the persons so elected of their election.

May hold special election.

SEC. 11. Special elections may be ordered by the council, but no special election shall be held unless ten days' notice thereof is given, nor shall any subject or question be considered or acted upon unless its objects are clearly set forth and stated in the notice for the call of such meeting.

May levy tax—how.

876 = 54—SEC. 12. The legal voters of said village may, at any annual or special meeting, authorize the village to levy a tax for any legitimate object, but in no case shall the tax so levied exceed the sum of five mills upon the dollar valuation in any one year, and all taxes levied, except for improvements of streets, sidewalks and crossings, shall be levied and collected as prescribed by the statutes of the state, for the levying and collection of township taxes; *Provided*, That the village council shall make an annual return to the county auditor of all taxes levied and assessed by them, and the county auditor shall, upon the receipt of the same, enter and carry out the said tax or taxes against the property within the said village, and collect the same as other taxes are collected, and when collected, turn over the same to the village treasurer.

May issue license for sale of intoxicating liquors—limitation.

SEC. 13. The village council shall have the exclusive right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village, and persons so licensed shall not be required to obtain a license from the board of county commissioners; *Provided*, The persons so obtaining such license comply with all the requirements, and be subject to all the penalties, as provided in the general statutes of Minnesota; *And provided further*, That no license shall be granted for less than fifty dollars, nor for a greater sum than two hundred dollars, at the discretion of the village council, and that previous to granting of any

such license, a bond shall be executed with the same conditions and with the same penal sum as required by the general act, and the moneys received for such license shall be paid to the treasurer of said village, and be used to defray the expenses thereof, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village; *Provided further*, All license granted by the village council shall expire within ten days after the next general election in said village.

Sec. 14. The justice of the peace and constable of said village shall have and may exercise, in addition to the powers and authority herein specially granted to such officers, all the power and authority in any case possessed by a justice of the peace or constable elected in the county in which such village is situate. The village justice and constable shall take the same oath of office, and execute, before entering upon the discharge of their duties as such officers, the same bonds as township justices of the peace and constables, and file the bonds with the same officers as justices of the peace and constables elected elsewhere in the county are now or hereafter may be required to do, and shall receive the same fees for their services as justices of the peace and constables elected elsewhere in the county are allowed under the general statutes of the state.

Power of Justice of the peace and constable—fees of.

Sec. 15. Should a vacancy occur in any of the offices other than justices of the peace provided for in this act, the village council, or the remaining members thereof, may fill the same by appointment.

Vacancy, how filled.

Sec. 16. The village so organized shall constitute one road district, and the street commissioner or roadmaster thereof be appointed by the village council, and all taxes raised within the limits of said village for road purposes shall be expended under the direction of the village council.

Road district.

Sec. 17. The village council shall constitute a board of auditors for the purpose of auditing all accounts payable by said village. Said board shall draw up a report, stating in detail the items of accounts audited and allowed, the nature of each account, and the name of the person to whom the account was allowed, and also including a detailed statement of the financial concerns. Such report shall be filed with the recorder, and a copy thereof shall be posted at the time and place of holding the annual election, or published in a newspaper of general circulation in said village, two weeks before such election.

Board of auditors.

Sec. 18. The cost and expenses of building, grading, paving, and repairing sidewalks, shall be chargeable to the lots fronting on said improvements, when a petition for such improvements shall be made by a majority of the legal voters, residents of said lots to be so improved, said residents being the owners of at least one-third of such lots. Whenever the village council shall resolve or ordain it necessary to construct

Expense of building sidewalks, etc., how paid.

or repair any sidewalk in said village, they shall 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 in said village, for not less than two weeks, of a notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owner or occupant, and the time within which they are required to do it.

When expense of building and repairing to become a lien upon property.

SEC. 19. 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 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 land so chargeable, by the village council, and returned by them in their annual return to the county auditor, and said assessment so made and returned shall become a lien upon said lots and parcels, as in case of town, county and state taxes.

Appropriation of money—limited.

SEC. 20. No greater sum of money than five hundred dollars shall be appropriated for any one purpose by the council, unless it is expressly authorized by a vote of the legal voters of said village at an annual or special meeting.

To constitute one election district.

SEC. 21. The territory comprised within the prescribed limits of the village, shall constitute one election district for the election of village officers.

Vested powers of village incorporated under this act.

SEC. 22. Any village incorporated under this act is vested with all the powers necessary to carry into full force, virtue and effect all and every part of this charter, and shall have power to pass and ordain all and every ordinance necessary to carry out fully the meaning and intent thereof.

When act to take effect.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved March 4, 1875.