

## CHAPTER 30.

## AN ACT TO AMEND THE CHARTER OF THE VILLAGE OF DODGE CENTER, DODGE COUNTY, MINNESOTA.

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

SECTION 1. That the act entitled "An act to incorporate the village of Dodge Center," passed February twenty nine (29), one thousand eight hundred and seventy-two (1872), and the acts amendatory thereof, are hereby amended so as to read as follows:

## CHAPTER I.

SECTION 1. All that part of the county of Dodge, in the State of Minnesota, contained in the limits and boundaries hereinafter described shall be a village, and the inhabitants thereof shall be and form a municipal corporation under the name and style of "The Village of Dodge Center," and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall possess the power hereinafter specifically 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 shall 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 and mixed estate as the purposes of the village may require, within or without the limits thereof.

SEC. 2. That territory included within the following limits or boundaries shall constitute the village of Dodge Center: The east half of section thirty-three (33) and all of section thirty-four (34), town one hundred and seven (107), range seventeen, (17), Dodge county. The territory comprised within the corporate limits of the village of Dodge Centre, shall constitute an election district for the election of village officers, but nothing in this act shall be so construed as separating the above described territory from the township of Wasioja for taxation or other purposes; neither shall it prevent the annual town meetings and elections from being held within the corporate limits of the said village of Dodge Centre.

## CHAPTER II.

SECTION 1. The annual election of village officers shall be held on the first (1st) Monday of April in each year, and the polls kept open from nine (9) o'clock in the forenoon until five (5) o'clock in the afternoon of the same day. The place for holding such election shall be designated by the village council, and notice of the time and place of holding such election shall be given by the recorder by posting such notice in three (3) conspicuous places in said village, at least ten (10) days prior to election, or by publishing such notice for two (2) successive weeks in the official newspaper of the village.

SEC. 2. The elective officers of said corporation shall consist of one (1) president and one (1) recorder, both of whom shall be *ex-officio* trustees, three (3) trustees, one (1) treasurer, one (1) justice of the peace and one (1) constable, who shall be *ex-officio* marshal, and shall each, except the justice of the peace, hold their respective offices for one (1) year, and until others are elected and qualified. The justice of the peace shall hold his office for the term of two (2) years, and until his successor is elected and qualified; *Provided*, That the village council shall have power to expel any of their members, and remove from office any officer of the village by a vote of two-thirds of all the members of the village council. But no officer shall be so expelled or removed except for due cause, nor unless furnished with the charges in writing and heard in his defense. And the village council shall have the power to compel the attendance of witnesses and the production of papers necessary for trial, and shall proceed within ten (10) days to hear and determine the case; and if such officer neglect to appear and answer to such charges, the village council may declare the office vacant. Any officer may be suspended until the disposition of charges when preferred.

SEC. 3. The village council shall at their first regular meeting, after the general village election in each year, appoint a street commissioner, fire warden and all other officers necessary for the proper management of the affairs of said village, as provided by this act, or as the village council may from time to time direct.

SEC. 4. All officers of said village shall enter upon the duties of their respective offices within ten (10) days after their election or appointment.

SEC. 5. Any person entitled to vote for county and state officers shall be entitled to vote at any village election in the election district of which he shall at the time have been a resident for ten (10) days, for any officer to be elected under this act, and to hold any office thereby created.

SEC. 6. The election in said village shall be held and conducted by the judges of election appointed by the village council, who shall before entering upon the discharge of their duties, take the oath or affirmation prescribed by the general statutes of this state, to be taken by judges of election; said judges of election shall have power to appoint clerks and to administer the necessary oaths.

Said election shall be held and conducted in the same manner and under the same penalties, and vacancies of the board of judges of election filled as prescribed by the general statutes of this state concerning elections.

SEC. 7. When any village election is closed and the canvass of votes completed, the judges of election shall enclose the returns of such election in a cover, seal the same, and, together with the ballots cast and the list of votes used, deliver the same to the recorder, who shall forthwith give notice of their respective election to each of the persons so elected.

SEC. 8. Any vacancy occurring in any office shall be filled by the village council. The person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be appointed to fill.

SEC. 9. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election. Whenever two (2) 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 village council, at such time and in such manner as said council may direct.

SEC. 10. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the village council may order a new election to be held; twelve (12) days' notice of the time and place of holding the same to be given, as in general elections.

SEC. 11. Any officer who shall remove from this village or engage in any service, business or employment causing a continuous absence from the village of more than four (4) months, or any officer who shall neglect or refuse for ten (10) days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the village council may proceed to fill such vacancy as herein provided.

### CHAPTER III.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office, take and subscribe an oath of office and file the same, duly certified by the officer administering the same, with the recorder of the village; and the treasurer and the marshal and such other officers as the council may direct, shall, severally, before they enter upon the duties of their respective offices, execute to the village of Dodge Centre a bond with at least two (2) sureties to be approved by the village council, and such bond shall contain such conditions as the village council may deem proper. They may also from time to time, require new or additional bonds and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The president shall, when present, preside over the meetings of the village council and take care that the laws of the State and ordinances of the village be strictly enforced and duly observed and that all other executive officers of the village discharge their respective duties. The president or any two (2) trustees, may call special meetings of the village council; he shall inspect the conduct of all subordinate officers and cause negligence and persistent violation of duty to be prosecuted and punished, and may also require of any officer of the village, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time, recommend such measures as he may deem advantageous to the village; he shall be authorized to take acknowledgements of deeds and other instruments of writing requiring to be acknowledged, and to administer any oath authorized to be taken by the laws of this State; he shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said village over the age of eighteen (18) years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in supporting the same or carrying into effect any law or ordinance. Any person who shall not obey such call shall forfeit to said village a fine not exceeding twenty five (\$25.00) dollars, nor less than five (\$5.00) dollars.

SEC. 3. In case the president shall be guilty of any wilful oppression or corrupt partiality in the discharge of his official duties, he shall be liable to indictment and on conviction thereof, shall pay a fine of not exceeding five hundred (\$500.00) dollars and be removed from office.

SEC. 4. In case the president shall be absent from any meeting of the village council, they shall proceed to elect of their own number a temporary presiding officer, who, for the time, shall discharge the duties of president. In case of the absence of the president from the village or his inability for any reason to discharge the duties of his office, the said council shall elect by ballot, from their own number, an officer who shall be styled acting president, and all acts performed by him shall have the same force and validity as if performed by the president.

SEC. 5. The recorder shall keep the corporate seal and all papers and records of said village; attend the meetings of the village council and keep a correct record of the proceedings of the same, and of rules and ordinances made or passed by said council. Copies of all papers and transcripts from the records of the village certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced; he shall have power to administer oaths and take acknowledgements of deeds and other instruments in writing required to be acknowledged before an officer. The recorder shall draw and countersign all orders on the village treasurer in pursuance of any order or resolution of the village council, and keep a full and accurate account thereof and of all receipts and expenditures of the village and its officers so far as he can ascertain the same, in books to be

provided for that purpose; he shall report to the council annually on or about the first day of August, a detailed statement of the expenses of the village for the ensuing year and the revenue necessary to be raised therefor. The fiscal year of the village shall commence on the first day of September. The recorder shall also countersign all contracts made in behalf of the village and all certificates of work done, issued to any person by said village; he shall examine the books, vouchers and accounts of the village treasurer and of all receipts issued by said treasurer for money received on behalf of said village. Duplicates shall forthwith be filed in the office of the recorder.

SEC. 6. The treasurer shall receive all moneys belonging to the village, and keep an accurate and detailed account thereof, in such manner as the village council shall from time to time direct. The treasurer shall exhibit to the village council at least fifteen (15) days before the annual election, or at such other times as the council may direct, a detailed account of all receipts and disbursements made by him since the date of the last report, which shall be filed with the recorder. The treasurer shall also exhibit to any committee appointed by the village council for that purpose, the funds in the treasury, and deliver to such committee on demand all vouchers for cancellation.

SEC. 7. The marshal shall also execute all orders made, and perform such duties as are prescribed by the village council for the collection of license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of said village, and for all other purposes. He shall possess the powers of constable at common law and under the statutes of this State, and receive like fees. The marshal also shall have power by and with the consent of the village council, to appoint one or more deputies, for whose acts he shall be responsible, and whom he may remove at pleasure. Every such deputy shall, before he enters upon his official duties, take an oath of office, which oath and appointment shall be filed with the village recorder.

SEC. 8. The justice of the peace shall possess all and singular the rights, powers and authority of justices of the peace under the General Statutes of this State.

SEC. 9. The justice of the peace shall quarterly report to the village council a list of all suits or proceedings instituted before him in behalf of the village, and the disposition made thereof, and shall at the same time account and pay over to the village treasurer, the amount of all fines, penalties and costs collected which may by law accrue to the village, and in all such cases he shall be entitled to receive from said village the same fees as are allowed by law to other justices of the peace for similar services.

SEC. 10. The village council may appoint, and in such way prescribe the powers of a village surveyor, and fix the fees and compensation for any services to be performed by him. He shall possess the same powers in making surveys and plats within the village as are given by law to county surveyors, and the like effect and validity shall be given to his acts and to all plats and surveys

made by such village surveyor as are or may be given by law to the acts, plats and surveys of county surveyors. All surveys, profiles, plans or estimates made for the village by such surveyor, shall be the property of the village, and shall be carefully preserved in the office of the village recorder, for the inspection of all parties interested.

SEC. 11. The street commissioner shall have general supervision of the streets, lanes and alleys and public grounds within the village. It shall be his duty to see that all by-laws and ordinances of the village council, in regard to the cleaning and keeping the same in repair, are properly observed and enforced. He shall, when directed by the village, superintend the filling, grading, paving, planking, cleaning and improving of streets and alleys, and the constructing and repairing of sidewalks, sewers and drains, and shall perform such other duties as may be required of him by the village council.

SEC. 12. The president, sheriff of Dodge county, and each and every trustee and justice of the peace, marshal, deputy marshal and all police officers of the village, shall be officers of the peace, and may command the peace and suppress in a summary manner, all riotous behavior within the limits of said village, and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not less than five (5) dollars, nor more than fifty (50) dollars.

SEC. 13. The village council shall have power from time to time to require other and further duties to be 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 to fix the compensation of members of the village council and of all officers elected or appointed by them. Such compensation shall be fixed at the time such office is created or at the commencement of the year, and shall not be increased or diminished during the term for which such member or officer shall have been elected or appointed. The village council may at any time fix the compensation of any officers or committees for any incidental service by them performed.

SEC. 14. Any person having been elected an officer of said village, shall within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession belonging to said village or pertaining to the office he may have held. If he fail so to do within the time required he shall forfeit and pay to the village council for the use of the village, one hundred (100) dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this State in cases of unlawful detention of property.

SEC. 15. The village council shall examine and adjust the accounts of the treasurer, marshal, recorder and all other officers and

agents of the village, at such times as they may deem proper, and at the end of each year, and before the term for which such officers were elected or appointed has expired. And the village council shall require each and every such officer or agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such public officer or agent shall refuse to comply with the order of said council in the discharge of their duties in pursuance hereof, the said council shall declare the office held by such person vacant, and shall commence suit or proceedings at law against such officer or agent who may be found delinquent or defaulting in his accounts or in his official duties. The said council shall make full record of all such settlements and adjustments.

SEC. 16. The village council at their first regular meeting after the annual election, or as soon thereafter as may be, shall designate one or two newspapers published in said village, in which shall be published all ordinances or other proceedings and matters by this act or by the by-laws or ordinances of the village council required to be published in a public newspaper.

SEC. 17. The publisher or printer of such newspaper, immediately after the publication of any notice, ordinance, resolution or other matter which by this act is, or by village ordinance shall be required to be published, shall file with the recorder a copy of such publication with his affidavit or the affidavit of his foreman, of the length of time the same has been published, and such affidavit or affidavits shall be conclusive evidence of the publication of such notice, ordinance or other matter.

SEC. 18. No officer of the village shall be a party to or interested in any job or contract with the village, and any contract in which such officer may be interested, shall be null and void.

#### CHAPTER IV.

SECTION 1. The president, recorder and trustees shall constitute the village council, and the style of all ordinances shall be "The Village Council of the Village of Dodge Centre do ordain." The village council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. The village council shall determine the rules of its proceedings, and be judges of the election and qualification of their own members, and shall have the power to compel the attendance of absent members.

SEC. 2. The village council shall have the management and control of the finances and of all property of the village, and 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 may deem expedient, declaring and imposing penalties, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the force

of law, and for these purposes shall have authority by ordinances, resolutions or by-laws; *Provided*, That they be not repugnant to the constitution of the United States or of this State,

*First.* To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons or alleys, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law or under this act, and to grant licenses and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinuous, fermented, mixed or intoxicating liquors. *Provided*, the village council shall have the exclusive right to license persons vending, dealing in or disposing of spirituous, vinuous, fermented, mixed or intoxicating 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, and shall not be prosecuted for vending, dealing in or disposing of spirituous, vinuous, fermented, mixed or intoxicating liquors without first having obtained a license therefor, agreeably to the provisions of chapter sixteen (16) of the general statutes, and that such license for so dealing in spirituous, vinuous, fermented, mixed or intoxicating liquors shall be not less than one hundred (100) or more than two hundred (200) dollars a year.

*Second.* To restrain and prohibit all E. O. or roulette tables, faro or faro banks, gambling tables and all gaming with cards, and to prohibit all gambling devices whatever from being set up or used for gambling purposes, and to prohibit all description of gaming, and fraudulent devices and practices, and playing of cards, dice or other games of chance for the purpose of gaming in said village, and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinuous, fermented, mixed or intoxicating liquors of any kind.

*Third.* To prevent any riots, noise, disturbance and disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the arrest and punishment by fine or imprisonment of persons frequenting houses of ill-fame for the purpose of prostitution and lewdness.

*Fourth.* To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same.

*Fifth.* To authorize the arrest, fine and imprisonment in the village prison or in the Dodge county jail as vagrants, all persons who not having any visible means to maintain themselves without employment, idly loitering or rambling about, or staying in groceries, drinking saloons, houses of ill-fame, or houses of bad repute, gambling houses, taverns or railroad depots, or who shall be found trespassing in the night time upon the private property of others, or placing themselves in the streets or in public places, to beg or receive alms, also keepers, exhibitors or visitors of any gaming table, gambling house or other place of device, and all



persons who go about for the purpose of gaming or watch-stuffing or who shall have in their possession any article or thing used for gaming or obtaining money under false pretenses.

*Sixth.* To compel the owner or occupant of any grocery, cellar, tallow-chandler shop, soap factory, tannery, stable or place, to cleanse, or remove and abate the same from time to time, or as often as may be deemed necessary for the health, comfort and convenience of the inhabitants of the village.

*Seventh.* To prevent any person from bringing, depositing or having within the village any putrid carcass or other unwholesome substance, and to require the removal thereof by the person having the same on his premises, or from any street, alley or public place where he shall have thrown or put the same, and on default to authorize the removal therefrom, by a competent officer, at the expense of such person or persons.

*Eighth.* To restrain, regulate and license hackmen, draymen, carmen, carters, porters, omnibus drivers, cabmen and all others; whether in the permanent employment of any individual, firm or corporation, or otherwise, who may pursue like occupation, with or without vehicles, and to fix and prescribe their compensation.

*Ninth.* To restrain, regulate and license, runners and solicitors for stages, public houses, railroads and other establishments.

*Tenth.* To make such regulations as they shall deem proper to prevent the introduction into said village of all contagious or infectious diseases or disorder.

*Eleventh.* To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and registration of births and deaths, provide for the keeping and returning of bills of mortality, and to impose penalties on physicians and others for any default in the premises.

*Twelfth.* To direct the location and management of slaughter houses and markets in said village, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

*Thirteenth.* To establish and maintain public markets and market houses, and to prescribe and enforce rules and regulations for the government of the same.

*Fourteenth.* To regulate the place and manner of selling and to provide for the inspection and weight of hay and coal, the measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same.

*Fifteenth.* To provide for and regulate the inspection of tobacco, beef, flour, pork, meal, butter, lard and other provisions.

*Sixteenth.* To provide by ordinance for a standard of weights and measures, to require the inspection and sealing of weights and measures, and to prescribe penalties for any default in the premises.

*Seventeenth.* To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

*Eighteenth.* To license, regulate and tax merchants, retailers, taverns, groceries, hawkers, pawnbrokers and money changers.

*Nineteenth.* To restrain the running at large of horses, mules, cattle, swine, sheep, and poultry of any kind, and to authorize the impounding and distraining of the same, and to fix the fees of the poundmaster.

*Twentieth.* To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same when at large contrary to the ordinance.

*Twenty-first.* To prevent horse racing, immoderate riding or driving in the streets, and to regulate the places of bathing and swimming in the waters within the limits of said village.

*Twenty-second.* To prevent all persons riding or driving any ox, cow, horse, mule or other animal on the sidewalks of the village, or in any way doing any damage to such sidewalks.

*Twenty-third.* To prevent the incumbering of streets, sidewalks, lanes and alleys, with carriages, carts, wagons, sleighs, boxes, fire-wood, lumber or any other material or substance whatever.

*Twenty-fourth.* Also to regulate the running of horse railway cars, the laying down of tracks for the same, the transportation of passengers thereon, and the kind of rail to be used.

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

*Twenty-sixth.* To alter, vacate abolish, widen, extend, establish, grade, repair, or otherwise improve or keep in repair, streets, avenues, lanes and alleys.

*Twenty-seventh.* To provide for the enclosing, improving and regulating of all public grounds belonging to the village, and provide for and regulate the adorning of streets with shade trees.

*Twenty-eighth.* To make and establish public pounds, wells, cisterns, and reservoirs, and to provide for the erection of water-works for the supply of water for the inhabitants, and to provide for the erection of lamps or other means whereby to light the village, and to make all necessary regulations in the premises.

*Twenty-ninth.* To provide for the erection of all needful buildings for the use of said village.

*Thirtieth.* To establish, support and regulate a police and night watch, and to provide for the punishment of persons resisting or refusing to assist policemen or other officers.

*Thirty-first.* To erect and establish either within or without the corporation limits of the village, a bridewell, or house of correction, purchase grounds therefor, pass all necessary ordinances for the regulation thereof, and to authorize the confinement in said bridewell or house of correction, of all vagrants, stragglers, or disorderly persons who may be committed thereto by any criminal court or magistrate in and for said village.

*Thirty-second.* To appropriate money and provide for the payment of debts and expenses of the village.

*Thirty-third.* To regulate the time, place and manner of holding public auctions or vendues.

*Thirty-fourth.* To regulate and order party walls and partition fences.

*Thirty-fifth.* To provide for taking from time to time, the enumeration of the inhabitants of the village.

*Thirty-sixth.* To prevent the shooting of fire-arms, crackers, rockets or other projectiles, and to prevent the exhibition of fire works in any situation which may be deemed by the council dangerous to the village, or any property therein, or annoying to the citizens thereof.

*Thirty-seventh.* To [prescribe] provide the limits within which wooden buildings or buildings of other materials that shall not be deemed fire proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing or rebuilding of wooden buildings within such limits when the same shall have been damaged to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such value and damages.

*Thirty-eighth.* To prevent the dangerous construction, placing, and condition of chimneys, fire-places, hearths, stoves and pipes, ovens, boilers and appurtenances used in and about any building or premises, and to cause the same to be removed or placed in a secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on and operating manufactories causing or promoting fires within the village limits.

*Thirty-ninth.* To purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and the apparatus to be delivered up; and each member of such company shall be exempt from serving on juries and from military duty during such membership.

*Fortieth.* To cause any street, alley, lane or highway to be filled, graded, levelled, paved, curbed, walled, graveled, macadamised or planked and keep the same in repairs; to cause cross and side-walks, area walks, lamp posts, sewers, and private drains to be constructed and laid, relaid, erected cleaned and repaired.

*Forty-first.* To enforce all ordinances, by-laws, and police and other regulations, by punishment of fine and imprisonment in the village or county jail or by both fine and imprisonment, in the discretion of the magistrate or court before whom the conviction may be had; *Provided*, Such fine shall not exceed one hundred (\$100.00) dollars, nor such imprisonment the time of three (3) months. Any justice of the peace shall have jurisdiction of all prosecution for the violation of all or any ordinance, by-law, police or other regulations passed by the village council under this act. And it shall be the duty of any justice of the peace residing in said village, and he is hereby authorized and empowered, on

complaint made to him on oath or affirmation of the violation of any law or ordinance of said village or of the neglect or violation of any duty imposed thereby, to issue his warrant directed to the village marshal or to the sheriff of Dodge county or any police officer of said village, to arrest the offender or offenders and bring them forthwith before him; and the trial of such offender shall be conducted in the same and in accordance with the general laws of this State in regard to the trial of criminal cases before justices of the peace so far as applicable thereto, and upon plea of guilty or upon conviction of such offence, such justice shall impose such fine or imprisonment or both as may be prescribed by such by-law or ordinance; and the said justice shall have power to enforce such judgment in the same manner as he might enforce his judgment in criminal cases under the general laws of this State.

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of a majority of the village council, and be signed by the president and shall be published in the official newspaper of the village or be posted for ten (10) days in three (3) of the most public places in said village, before the same shall be in force, and within twenty (20) days thereafter; they shall be recorded by the recorder, or true printed copies thereof affixed in books to be provided for that purpose. But before any of the said laws, ordinances, regulations or by-laws, shall be recorded, the posting of the same or the publication thereof as aforesaid, shall be proved by the certificate of the recorder of such posting or by the affidavit of the publisher of such newspaper or the affidavit of his foreman, and the said certificate or affidavit shall be recorded therewith and the original or record thereof shall be at all times deemed and taken as sufficient evidence of the time, manner and place of such posting or publication.

SEC. 4. The powers conferred upon the village council for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in court according to law. Houses or buildings of any kind wherein more than twenty (20) pounds of gunpowder is deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or beer shops, or places where spirituous, fermented, mixed or intoxicating liquors are sold, given away or dealt out without license required thereof, within the limits of said village, are hereby declared and shall be deemed public or common nuisances.

SEC. 5. All funds in the village treasury shall be under the control of the village council, and shall be drawn out upon the order of the president and recorder, duly authorized by vote of the village council, and all orders drawn upon the treasurer shall specify the purpose for which they were drawn, and shall be payable out of the particular fund on which they may have been drawn, and all such orders shall be received in payment only of the assessments or tax levied for the benefit of such particular fund. All orders shall be payable to the order of the person in whose favor the appropriation has been made, and shall be transferrable by endorsement.

SEC. 6. No money shall be appropriated for any purpose whatever, except such as are authorized by this act, and no appropriation shall be made without a majority of the members of the village council voting in favor of the same, and the vote shall be taken by the ayes and nays, and entered on the journal of the council.

## CHAPTER V.

SECTION 1. The cost and expense of surveying streets, lanes, alleys, sidewalks, sewers, drains, reservoirs and public grounds, and of estimating work thereon and of cleaning streets and alleys, and of constructing and repairing crosswalks, sewers, drains and reservoirs, and improving and maintaining public grounds, and erecting lamp posts and lamps, and of grading, filling, gravelling, planking and paving or macadamizing streets and alleys to the centre thereof, shall be paid out of the village fund. The cost and expenses of making, curbing or repairing sidewalks and areawalks or of planting shade or ornamental trees along the same, shall be chargeable to and payable by the lots fronting on such streets and alleys, or adjacent to such sidewalks and areawalks. Such cost and expenses shall be assessed upon said lots in the manner hereinafter provided.

SEC. 2. Whenever a majority of lot owners adjoining a sidewalk proposed to be built or repaired shall petition the village council to construct or repair any sidewalk within the village, they shall direct the owner or occupants of the lots or parcels of land adjoining such sidewalks, to make or repair the same at his or their own proper costs and charges, and in such a manner and within such time as in such direction specified. If such work is not done in the manner and within the time prescribed, the village council shall cause the same to be done, and the expense to be levied and collected in the manner hereinafter provided for the assessment and collection of special assessments. If said improvements be not made within the time specified, the president or village council may cause the same to be made at the expense of the village, and the cost of the same as audited and paid by the village council may be recovered by the village from the owner or occupant of the lot or parcel chargeable therewith by civil action brought in the name of the village against such owner or occupant before any justice of the peace in said village, for the amount so paid by the village for such improvements or repairs, [and] may on certificate of the village recorder to the auditor of Dodge county, be levied and assessed on the lot or parcel of land on which the same is chargeable, and collected in the same manner as other taxes on real estate are levied and collected.

SEC. 3. Prior to the passage of any ordinance or resolution for making any public improvement as authorized by section one (1) of this chapter, except as otherwise provided above, the village council may cause a plan and accurate specification of the work

proposed to be done, to be made by the village or county surveyor and filed with the village recorder for the inspection of parties interested. The village council shall in such case then cause to be published in the official newspaper of the village, a notice that on a certain day, at least two weeks from the first publication thereof, the village council will act in relation to its construction and that in the meantime sealed proposals for the doing of the work will be received by the village recorder. Upon the day mentioned in the notice, the president shall in the presence of the village council, open such sealed proposals. The village council may then accept the most favorable offer or proposal, and authorize the doing of the proposed work and enter into contract for the same, and the expense of such work or improvements shall be assessed in the manner following:

*First.* Whenever any work authorized to be done by section one (1) of this chapter, shall be payable out of the village fund, the recorder shall at the time of presenting the annual estimate of expenses for the ensuing year, embrace in such estimate the amount or amounts necessary to be levied for the payment of work done or to be done as aforesaid, and the village council may thereupon direct the collecting of such amount or amounts from the real and personal property of the village subject to taxation, in the same manner as prescribed for the collection of the village taxes.

*Second.* In case such work or improvement shall be chargeable to the lots or parcels of land adjacent thereto or benefited thereby, the village or county surveyor and street commissioner or such other capable person or persons as the village council may appoint, shall assess the cost of such works or improvements on the lots or real estate adjacent thereto or chargeable therewith, and determine what part of the cost thereof shall be borne by each lot or parcel of land, and make an assessment accordingly, and submit such assessment to the village council, who shall upon examination, make such corrections as they deem necessary to equalize the same, and such assessments when so equalized and confirmed by said council shall be final and the several amounts so assessed against such lots or parcels of land shall be collected in the manner following:

SEC. 4. Upon the confirmation of such assessment as aforesaid, the village recorder shall forthwith make out a certified copy of the same, containing the description as near as may be of each lot or parcel of land and the amount so assessed upon each lot or parcel respectively, and deliver the same to the village treasurer for collection, and shall also at the same time publish in the official newspaper of the village for two successive weeks, at least once in each week, a copy of such assessment, together with a notice requiring the owners or occupants of said lots or parcels of land to pay the amount assessed on said lots or parcels of land respectively, to the village treasurer within six weeks from the first publication of such notice.

SEC. 5. At the expiration of the time mentioned in the notice required by the preceding section, the village treasurer shall return to the village recorder a certified list of the assessments which still remain unpaid, and the village recorder shall thereupon add to such delinquent and unpaid assessments a penalty of twenty-five per cent. and certify the amount of such assessments and penalties, together with a description of the lots or parcels of land on which the same are chargeable, to the lots and parcels of land on which the same are chargeable, to the auditor of Dodge county, to be by him entered upon the tax duplicate for the ensuing year, and assessed and levied on the lots or parcels of land on which the same are respectively chargeable, and the same shall thereupon be collected in the same manner as other taxes on real estate are collected.

SEC. 6. Any notice required by this act to be served upon the owner or occupant of any lot or parcel of land, may be served upon such owner or occupant either personally or by publication thereof in the official newspaper of the village for such period as the village council may direct.

SEC. 7. All work for the village shall be let to the lowest responsible bidder therefor, except such incidental repairs or improvements as in the opinion of the village council cannot judiciously be let by contract. The village council shall have the right to reject any and all bids. Upon entering into contract for the making of any improvements or repairs, the village council shall require from the contractor a bond with sufficient sureties for the faithful performance of the work, at the price and upon the terms agreed upon, and subject to the supervision and approval of such person as the village council may designate for the purpose.

## CHAPTER VI.

SECTION 1. All property, real and personal; within the village, except such as may be exempt by the laws of this state, or by ordinance of the village council, shall be subject to taxation for the support of the village government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided.

SEC. 2. It shall be the duty of the village council of the village of Dodge Centre to determine on or about the first (1st) day of August in each year, the amount of taxes and assessments, both general and special, to be raised for village purposes for the ensuing fiscal year, and it shall be the duty of the village recorder to transmit to the auditor of Dodge county, on or before the first (1st) day of September in each year, a certified statement of the amount of taxes, general and special, so determined to be raised for village purposes, and the same shall by said auditor be levied and entered upon the tax duplicate for the ensuing year, against all property,

real and personal, within said village of Dodge Centre, subject to such taxation, in the same manner that township taxes are now assessed and levied.

SEC. 3. Such taxes for village purposes shall be assessed, levied and collected by the same officer and in the same manner as county, state or township taxes are now or may hereafter be assessed, levied and collected, and when so collected, shall be accounted for and paid over to the village treasurer by the proper collecting officer, in the same manner as township taxes are accounted for and paid over to township treasurers, according to the general tax laws of this state.

SEC. 4. The treasurer of the county of Dodge shall execute to the village of Dodge Centre a bond to be approved by the village council, with such sureties and in such reasonable sum as the village council may direct, for all monies belonging to said village to be collected by him. Said treasurer shall report quarterly to said council a statement of the amounts received by him for said village and transferred to the village treasurer, which transfer he shall make at the end of every three (3) months regularly, and take the village treasurer's receipt therefor, to be his vouchers upon settlement with any committee of said village council for that purpose appointed, and for any failure or refusal to comply with any provision of this section, such county treasurer shall forfeit a penalty of fifty dollars (\$50), to be recovered by said village in a civil action in any court of competent jurisdiction.

SEC. 5. The general laws of the State in regard to the assessment and collection of taxes, shall apply to the assessment and collection of village taxes in all cases not otherwise provided for in this act.

## CHAPTER VII.

SECTION 1. Whenever in the opinion of the village council it shall be necessary to take private property for the purpose of laying out, widening or enlarging public squares, streets, lanes or alleys, they shall appoint three commissioners who shall be freeholders and qualified electors of the village, to view the premises and assess the damages which may be occasioned by the taking of such private property. Said commissioners shall be notified as soon as practicable by the village recorder to attend at his office, on a day fixed by him, for the purpose of qualifying and entering upon their duties, and in case any such commissioners upon being so notified, shall neglect or refuse to qualify and serve as aforesaid, the village council shall have power to fill the vacancy thereby occasioned.

SEC. 2. The commissioners shall be sworn by the village recorder, or any other officer authorized to administer oaths, to discharge their duties as commissioners with impartiality and fidelity, and to make due returns of their actions and doings to the village council.



SEC. 3. The said commissioners shall with all reasonable dispatch, with the assistance of the county or village surveyor, cause a survey and plat of the proposed improvements or grounds to be made and filed with the recorder, exhibiting as far as practicable the lands or parcels of property proposed to be taken, or which may be damaged thereby, and shall thereupon give notice by publication in the official newspaper of said village, once in each week for two successive weeks, to the effect that such plat has been filed and that the said commissioners will meet at a time and place designated in said notice, and thence proceed to view the premises and assess the damages for property to be taken, or which may be damaged by such improvements. The time so designated must be at least fifteen (15) days after the first (1st) publication of such notice.

SEC. 4. At the time and place designated in such notice, the commissioners shall proceed to view the premises, and may hear any evidence or proof offered by parties interested, and adjourn from day to day for such purposes. When their view and hearing aforesaid shall be concluded, they shall determine and assess the amount to be paid to the owner or owners of each parcel of property proposed to be taken or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, or such other damage as may be incident thereto, and also the advantages which may accrue to such owner or owners in making such improvements.

SEC. 5. If there shall be any buildings standing in whole or in part upon the land to be taken, the said commissioners shall in such case determine and assess the amount of damages which should be paid to the owner or owners thereof, in case such building or so much thereof as might be necessary should be taken, and also determine and assess the amount of damages to be paid to such owner or owners in case he or they should elect to remove such building, and the damages in relation to buildings shall be assessed separately from the damages in relation to the lands upon which they are erected.

SEC. 6. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage, judgment or lien, or if there be any estate in it, less than estate in fee, the injury or damage done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvement.

SEC. 7. Said commissioners having ascertained and assessed the damages aforesaid, shall make and file with the village recorder a written report to the village council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the names of the owners, if known to them, and also a statement of the costs of the proceedings.

SEC. 8. Upon such report being filed in the office of the village recorder, said recorder shall cause to be published in the official

paper of the village, a notice to the effect that such assessment has been returned and filed, and that the same will be confirmed by the village council at a meeting thereof to be named in said notice and which shall be at least ten (10) days after the publication thereof, unless objections are made in writing by persons interested in any land to be taken. Any persons interested in buildings standing in whole or in part upon land required to be taken, shall on or before the time specified in said notice, notify the village council in writing of their election to remove such buildings (if they so elect) according to the award of the commissioners. The village council, upon the day fixed for the consideration of such report, or at any subsequent meeting to which the same may stand over or be referred, shall have power in their discretion, to confirm, revise or annul the assessments, giving due consideration to any objections interposed by parties interested.

SEC. 9. The damages assessed shall be paid or tendered or deposited and set apart in the treasury of said village, to and for the parties entitled thereto, within one (1) year from the confirmation of such assessment and report, and the land required to be taken, shall not be appropriated until the damages awarded to the owners thereof shall be paid or tendered to the owner or his agent, or deposited or set apart for his use, as aforesaid; and in case the said village shall be unable to determine to whom the damages, in any particular case so awarded, should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited by order of the village council, in the district court of Dodge county, in the same manner as moneys are paid into court, until parties thereto shall substantiate their claims to the same.

SEC. 10. In case the owner or owners of any buildings as aforesaid, shall have elected in manner aforesaid, to remove his or their buildings, he or they shall so remove the same within thirty days from the confirmation of such report, or within such further time as the village council may allow for such purposes, and shall thereupon be entitled to payment from the village of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after such election) to remove the same within the time prescribed, such buildings, or so much thereof as may be necessary upon payment or depositing the damages awarded for such taking, in manner aforesaid, may then be taken or appropriated, sold or disposed of in such manner as the village council shall direct, and the same or the proceeds thereof shall belong to the village.

SEC. 11. Any person feeling aggrieved by such assessment, may by notice in writing served on the president of said village, a copy whereof with proof of service, shall be filed in the office of the clerk of the district court in said Dodge county, within twenty (20) days after the confirmation of such report or assessment, appeal from such assessment, and shall not be entitled to have any other objections than those specified, considered, and a transcript of such report certified by the village recorder, or the original

thereof, shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law, and that all proper notices were duly given, and proper proceedings had.

## CHAPTER VIII.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of the act, by-law, ordinance, or regulation under which the forfeiture is claimed, and to give the special matter in evidence under it.

SEC. 2. In all prosecutions for any violation of this act, or any by-law or ordinance of said village, the first process shall be by warrant; *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 of Dodge Centre, 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 made by warrant. All warrants process or writs by justices of the peace of said village, for the violation of any ordinance or by-law of said village shall run in the name of the state of Minnesota, and shall be directed to the sheriff of Dodge county, village marshal or any police officer of said village, and may be substantially in the following form:

STATE OF MINNESOTA,	} ss.
COUNTY OF DODGE,	
VILLGE OF DODGE CENTRE.	

The State of Minnesota to the sheriff of said county, or the village marshal, or any police officer of said village:

Whereas.....has this day complained in writing, to me on oath that.....did on the.....day of.....A. D. 18..., at the village and county aforesaid, (here insert the complaint, whatever it may be), contrary to the provisions of an ordinance of the village of Dodge Centre, entitled (here insert title of ordinance), and prays that the said.....might be arrested and dealt with according to law. Now, therefore, you are hereby commanded forthwith to apprehend the said.....and bring him before me to be dealt with according to law.

Given under my hand this.....day of....., A. D. 18..

Justice of the Peace.

SEC. 3. No person shall be an incompetent judge, justice, witness, juror or commissioner in any action or proceeding in which the village shall be a party in interest by reason of his being an inhabitant of the village.

SEC. 4. No judgment recovered in favor of the village shall be remitted or discharged except by a vote of four-fifths of the village council.

SEC. 5. Appeals shall be allowed from the judgments of any justice of the peace in all cases arising under the provisions of this act, or any ordinances, by-laws, rules, or regulations passed in pursuance thereof, to the district court of Dodge county, whenever an appeal would be allowed in a similar case under the general laws of this state. And every such appeal [shall] should be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the district court under the general laws of this state.

*Provided, however,* That no appeal shall be granted or allowed in any prosecution for the violation of any ordinance, by law or regulation of the village council when the fine, penalty or punishment imposed by such judgment does not exceed the sum of ten dollars or ten days' imprisonment.

SEC. 6. Said village shall be allowed the use of the jail of Dodge county, for the imprisonment of any person or persons who may be liable to imprisonment under the ordinances or by-laws of said village, and such prison shall be under the charge of the sheriff of said county as in other cases.

SEC. 7. Any person who at the time of the passage of this act holds any office under any of the provisions amended or repealed thereby, shall continue to hold the same for the term for which he was elected or appointed and until his successor is elected and qualified. And the justice of the peace who was elected at the annual village election of one thousand eight hundred and seventy-seven (1877), shall continue to hold his office until the annual village election on the first Monday of April, A. D. one thousand eight hundred and seventy-nine (1879) or until his successor is qualified.

SEC. 8. All ordinances, by-laws and regulations heretofore enacted and made by the village council, not inconsistent with this act, shall be and remain in full force under this act until altered, modified or repealed, by the said village council.

SEC. 9. The amendment or repeal of any act or acts or part of acts, amended or repealed by this act, shall not effect any act done or any right accruing or accrued under the provisions so amended or repealed, nor shall it effect any penalty or forfeiture incurred before it takes effect, nor shall it effect any action or prosecution pending at the time of such amendment or repeal, for any offence committed, or for the recovery of any penalty or forfeiture incurred under any of the provisions hereby amended or repealed, except that the proceedings of any such action, when necessary, conform to the provisions of this act.

SEC. 10. The following property now or at any time hereafter, belonging to said village, shall be exempt from levy and sale

under or by virtue of any execution, to-wit: All engine houses or houses where any fire apparatus is kept, and the grounds on which the same are situated; all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any fire company, organized by and acting under authority of the village council; school houses and furniture therein, and the office rooms of the village council and of officers of the village and the furniture therein.

SEC. 11. If any election of the people for village officers for any cause, shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending or absolving said corporation, but such election may be held any subsequent day, and if any of the duties enjoyed by this act or the ordinances, by-laws, rules or regulations of the said village council, to be done by any officer at any specified time, be not done or performed at that time, the said council may appoint another time at which the said acts may be done and performed.

SEC. 12. Chapter thirteen (13) of the special laws of one thousand eight hundred and seventy-two (1872), and chapter thirteen (13) of the special laws of one thousand eight hundred and seventy-four (1874) and the amendments thereto, are hereby repealed.

SEC. 13. This act is hereby declared to be a public act any may be read in evidence in all courts of law without proof.

SEC. 14. This act shall take effect and be in force from and after its passage.

Approved March 9, 1878.

---

## CHAPTER 31.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE CITY OF MANKATO," THE SAME BEING CHAPTER TWENTY-SEVEN (27) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SIXTY-EIGHT (1868).

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

SECTION 1. That section four (4) of chapter three (3) of chapter twenty-seven (27) of the Special Laws of one thousand eight hundred and sixty-eight (1868) be amended as follows:

Strike out at the end of said section the following words: "He shall not be interested directly or indirectly in any contract or job to which the city is a party, or in which the city is interested, and