

CHAPTER 9.

AN ACT TO INCORPORATE THE VILLAGE OF CLAREMONT,
DODGE COUNTY, MINNESOTA.

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

SECTION 1. All that part of Dodge county, in the State of Minnesota, included within the following described limits, description and boundaries, to-wit: All of section number twenty-eight (28), in township number one hundred and seven (107), north of range number eighteen (18) west, shall be a village by the name of "The Village of Claremont," and the people now inhabiting, and those who shall hereafter inhabit the district of country herein described, shall be a municipal corporation by the name of The Village of Claremont, and shall have all the powers possessed by municipal corporations at common law,, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereto shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, and in all courts, may have a common seal and change the same at pleasure, and may also take, hold, purchase and lease such real, personal and mixed estate, within or without the limits thereof, as the purposes of said village may require.

SEC. 2. The village of Claremont and all the remainder of the township of Claremont outside of said village, shall for general election purposes, constitute as before one election district of said Dodge county, and the officers of said township of Claremont shall conduct such general election and make returns thereof as is prescribed by the General Laws of the State. And the said township of Claremont may hold their general and township elections within the corporate limits of the said village of Claremont, if such township shall desire to do so.

SEC. 3. There shall be an annual election held on the first (1st) Monday in April in each year, at which the electors qualified to vote at the town election, may choose by ballot and by a plurality of votes, the elective officers of said village. The election shall be conducted and governed in the same manner, or near as may be, as township elections. The village recorder shall give such notice of such election as is required by law for town elections. Special meetings may be called at any time upon the petition of ten (10) or more legal voters and freeholders of said village, by giving notice thereof and stating the object of said meeting.

SEC. 4. The elective officers of this village shall be one (1) president, one (1) recorder, one (1) treasurer, one (1) justice of the peace, and one marshal, who shall each (except the justice of the

peace) hold his respective office for the term of one (1) year and until his successor is 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.

SEC. 5. The president, the recorder and the treasurer shall constitute the common council of the village of Claremont, a majority of whom shall constitute a quorum to do business. The common council shall have power to determine the rule of its proceedings, compel the attendance of its members under such penalties as it may prescribe. It shall meet once in three (3) months, at such time and place as shall be prescribed by rule. Special meetings may be called by the president or two (2) members of the council whenever they shall deem it for the interest of the corporation to do so. The common council shall have power to appoint such other officers as may be necessary, and to define their duties and fix their compensation, also to fill by appointment any vacancy that may occur in any of the village offices.

SEC. 6. Every person elected or appointed to any office under this act, shall, before entering upon the duties of his office take and subscribe to the oath of office prescribed by general law, and file the same with the recorder of the village. The treasurer and marshal shall execute to the village of Claremont a bond in the sum of five hundred dollars (\$500.00), with sufficient surety, to be approved by the common council, conditional for the faithful performance of the duties of their respective offices, which bonds shall be filed with the recorder of said village, and the justice of the peace of said village shall qualify as prescribed for justices of the peace under the general law of the State, except such bond shall be executed to said village of Claremont, and be approved by the president of the common council of said village, who shall endorse his approval thereon.

SEC. 7. It shall be the duty of the president to preside at all meetings of the common council. but in case of his absence or inability to act, the members shall choose one of their number to preside during his absence. The president of the council shall see that all the ordinances of said village and the laws of this State are duly observed; that all other [executive] officers of said village discharge their respective duties, and shall be the chief executive officer of the said village.

SEC. 8. That the recorder shall be the recording officer of said village and of the common council. He shall have the custody of the seal of said corporation and of 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 may require.

SEC. 9. The justice of the peace provided for, and elected under the provisions of this act, shall have and possess and may exercise all the powers and jurisdiction of justices of the peace provided for 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 under this act or for breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same, all prosecutions and 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 Claremont, and the same proceedings 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 this State, before justices of the peace. All fines, forfeitures and penalties, imposed by or recovered before said justice in any suit, prosecution or proceeding had or commenced in the name of 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 or regulations, shall, in said justice's court, be held and deemed to be public law. The justice of the peace shall at least, once in six (6) 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. The fees of the justice of the peace shall be the same as are allowed and fixed by the general laws of the State, for justices of the peace; and all warrants, summons, writs and processes of every nature, issued by such justice of the peace, shall be directed to the sheriff or any constable of Dodge county, and may be executed and served by the marshal elected under the provisions of this act, or by the sheriff or any constable of said county, and for such purposes said sheriff or constable of said county shall have and possess the same power and authority, which by the general laws of the State, they have and possess in the execution or service of warrants, summons, writs and other process issued by justices of the peace elected under the general laws of this State.

SEC. 10. The marshal elected under the provisions of this act,

shall be the ministerial officer of the council, and shall have and poses and may exercise all the powers belonging to constables elected under the general laws of the State, and said marshal shall, with in the county wherein he resides, also have and exercise all the duties of, and when acting as such receive the same compensation as constables elected under the general laws of the State; shall also be chief of the police force of said village, but as such shall be subordinate to the president.

SEC. 11. The treasurer shall receive and take charge of all moneys belonging to said village corporation, or which are by law required to be paid into the village treasury, and shall pay over and account for the same upon the written order of such village or the officers thereof duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required by law. The village treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same is disbursed, in a book provided for that purpose at the expense of the village, and exhibit such account, together with his vouchers, to the common council at its annual meeting for adjustment, or oftener if so required by the common council, and he shall deliver all books and property belonging to his office, the balance of all moneys in his hands as such treasurer to his successor in office on demand after such successor has qualified according to law. The village treasurer shall from time to time draw from the county treasurer such moneys as have been received by the said county treasurer for the use of said village, and on the receipt of such moneys, shall deliver proper voucher therefor. The village treasurer shall within five days previous to each annual election make out a list of all moneys by him received from the county treasurer, the village, or any judicial or service whatever, and also a list of all disbursements, which shall constitute a balance sheet, which shall be by him delivered to the recorder of said village and which shall be by him filed carefully, and by him recorded in the village book of records.

SEC. 12. The council shall examine, audit and adjust the accounts of the recorder, treasurer justice and all other officers and agents of the village, at such time, as they may deem proper, and also at the end of each year and 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 to a committee thereof, it shall be the duty of the common council to declare the office 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.

SEC. 13. 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, orders, by-laws, and regulations for government and good order of the village, for suppression of vice and intemperance, and for the prevention of crimes, 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, rules, by-laws and regulations which are hereby declared to be, and have 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 resolutions.

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, and groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous, or fermented liquors.

Second. To direct the location and management of slaughter houses and markets, breweries, distilleries and pawnbrokers.

Third. 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 for bathing and swimming in the waters within the limits of said village.

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

Fifth. 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 ordinance.

Sixth. 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.

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

Eighth. To license and regulate butchers' stalls, shops, and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Ninth. To regulate the place and manner of weighing hay; and selling the same, and measuring of and selling firewood, coal

and lime, and to appoint suitable persons to superintend and conduct the same.

Tenth. To compel the owner or occupant of any building or grounds to remove snow, dirt or rubbish from the sidewalks, 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 may 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.

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

Twelfth. To provide by ordinance for a standard of weights and measures, for the 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.

Thirteenth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds, and to protect native shade trees.

Fourteenth. To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the village.

Fifteenth. 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 nuisance.

Sixteenth. 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 enforce the same within the village.

Seventeenth. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Eighteenth. 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 person from vending, giving, or dealing in spirituous, fermented or vinous liquors, unless duly licensed by the common council.

Nineteenth. To prevent any riots, noise, disturbance and disorderly assemblage 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.

Twentieth. To compel the owner or occupant of any grocery, cellar, tallow chandler 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.

Twenty-first. 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 officer, at the expense of such person or persons.

Twenty-second. To make and establish public grounds, 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.

Twenty-third. To establish and regulate boards of health, and to provide hospital and hospital grounds.

Twenty-fourth. To prevent all persons riding or driving any ox, mule, cattle or other animal on the sidewalks of said village, or in any way doing any damage to such sidewalks.

Twenty-fifth. To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered by the council as dangerous to the village or any property therein or annoying any citizen thereof.

Twenty-sixth. To raise money for opening, building, grading, paving and repairing streets and crosswalks, the expense of which shall be charged to all property alike within the incorporated limits of said village.

Twenty-seventh. The style of all ordinances shall be: "The common council of the village of Claremont do ordain;" and no ordinance shall be passed except by a 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 the ayes and noes on every ordinance voted upon, shall be entered therein. The fine and imprisonment which the common council are authorized to impose for the violation of any ordinance or by-law, shall not exceed one hundred (\$100.00) and imprisonment in the jail of Dodge or other county, until such fine is paid, not exceeding ninety days, and for such purpose the said village shall have the use of the jail of Dodge or other county, and persons thereto committed, shall be under the sheriff of Dodge county.

SEC. 14. 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 shall be admitted as evidence in any court in the State without further proof; they shall be recorded by the recorder in a book to be provided for that purpose.

SEC. 15. 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 and houses of ill fame, disorderly taverns, and houses or places where spiritous, 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. 16. The sale of all intoxicating vinous, spiritous, malt or fermented liquors, within the limits of said village, is 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; and the common council of said village may prohibit the sale of all intoxicating, vinous, spiritous, malt or fermented liquors, within the limits of said village and enforce such prohibition by appropriate penalties. *Provided*, That nothing herein shall be so construed as to prevent the legal voters in the said village of Claremont from deciding for themselves whether license may or may not be granted to any person or persons in said incorporated village of Claremont, and the village recorder is hereby required on the petition of ten or more legal voters of said village, at any time not less than twenty days before any regular village election, to give notice that the question of license will be submitted at such election, which question shall be determined by words on ballot in favor of, or against license, (as the case may be) which votes shall be canvassed and returned as is prescribed by law for canvassing election returns in said village, and if such election shall be against license, then it shall be the duty of the village recorder to notify the council of said village, and in such case the council of said village shall grant no license in said village; *Provided*, further, that the council shall in no case grant such license for a less sum than three hundred (\$300) dollars per annum; neither shall they grant license to more than one person or firm to sell, vend, or deal in intoxicating, vinous, spirituous, fermented, malt or fermented liquors at the same time.

SEC. 17. The common council shall have the power and authority to open, lay out and vacate streets and alleys, within the limits of said village, which is conferred by the general laws of the State upon the board 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 decision of the township supervisors.

SEC. 18. The common council may prescribe the width of sidewalks and may establish different widths in different locations and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each; whenever the common council of said village shall deem it necessary to construct or repair any sidewalk in said village, they shall, by resolution, require the overseer of the road district, in which such sidewalk is to be constructed or repaired, to notify all owners or occupants of any lot or parcel of land adjoining such sidewalks to construct or repair, so much of

said sidewalk as adjoins their several lots, at his or their own proper expense, within a certain time, to be designated in such notice, which shall not be less than twenty (20) days after the service of such notice; if any such walk or any part thereof, is not done in the manner prescribed by ordinance and within the time designated in said notice, the common council may order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof shall be assessed upon such lots, so chargeable in such manner that each lot shall be charged with the whole expense of the sidewalk adjoining thereto; and such assessment shall be a lien upon said lot or lots as in case of other taxes; and the said common council shall cause a statement of such assessment to be returned to the auditor of said Dodge county at the same time with the village taxes levied by them, and such assessment shall be collected and payment thereof enforced in like manner as county taxes are collected and payment thereof enforced; no error or informality in the proceedings shall vitiate the assessment made by virtue of this section; *Provided*, The notice hereinbefore provided for shall have been given.

SEC. 19. 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 five (5) 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.

SEC. 20. 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] persons herein conferred.

SEC. 21. 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 Claremont, as incorporated in 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 assessment so collected to the treasurer of the village of Claremont incorporated by this act.

SEC. 22. All actions brought to recover any penalty or forfeiture under this act or the ordinances, police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the village; in all prosecutions for any violations of this act or

of any ordinance of the village, the first process shall be a 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 [any] ordinance of the village; but the person or persons so arrested may be proceeded against, tried, and convicted, and punished or discharged in the same maner as if the arrest had been made by warrant.

SEC. 23. When any suit or action shall be commenced against said village the service therein shall be made by copy left with the recorder of said village.

SEC. 24. 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 for 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 action.

SEC. 25. The corporation is vested 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 intent thereof.

SEC. 26. The village of Claremont shall be constituted one or more road districts, to be defined by the common council; and the highway labor and taxes shall belong to the general fund, but shall be expended in the road district where the same is levied and raised; the common council shall appoint one (1) overseer of each road district, and they shall issue a warrant to him containing the whole amount of highway labor and taxes assessed and levied in his district, which said warrant shall be returned by him to the treasurer of said village. The laws of the State shall apply to warning, working, suing for and collecting highway taxes and returning delinquent taxes and in all respects except as herein expressly provided. The common council shall have full power to direct the overseer where, when, and how to expend said labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any point beyond the limits of the village. The common council shall perform the duties imposed by law upon the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied, by the same laws applicable to the supervisors of said towns in levying highway labor and taxes.

SEC. 27. That for the purpose of the first election under this act, S. McLaughlin, Geo. Thuet and R. H. Doe shall be judges of election and board of canvassers for such election and shall perform all the duties and possess all the powers of judges of election.

prescribed by this act. They shall appoint the place of holding such election, and post notice thereof in three public places within said village, ten days prior to such election.

SEC. 28. This is a public act and need not be pleaded nor proven in any court in this state, and shall take effect and be in force from and after its passage.

Approved March 11, 1878.

CHAPTER 10.

AN ACT TO INCORPORATE THE VILLAGE OF TAOPI, IN MOWER COUNTY, MINNESOTA.

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

SECTION 1. That the following parts of sections of land situated in the county of Mower and State of Minnesota, to-wit: The south half of the south-west quarter and the south half of the south-east quarter of section nine (9), and the north half of the north-west quarter, and the north half of the north-east quarter of section sixteen (16), all in township one hundred and one (101), north of range fifteen (15) west, be and the same is hereby set apart for incorporation as the village of Taopi, under and pursuant to the provisions of that certain act of the legislature of the state of Minnesota, approved March fourth (4th), A. D. one thousand eight hundred and seventy-five (1875), entitled an act to provide for the organization of villages in the state of Minnesota, and shall and may organize as a municipal corporation by the act of the inhabitants thereof, and the inhabitants thereof are hereby authorized to organize such municipal corporation and village in manner and form as provided in said act, and shall thereupon be endowed with all the powers, rights and duties mentioned in said act, excepting as hereinafter otherwise provided.

SEC. 2. The name of the said municipal corporation shall be the village of Taopi.

SEC. 3. The council of said village shall have power by ordinance to restrain, regulate, license or prohibit the sale, giving away or disposing of or dealing in spirituous, malt, fermented or vinous liquors within the corporation limits of said village; *provided* that nothing herein contained shall be so construed as to prevent the