

SEC. 10. Section one (1) of this act shall take effect and be in force from and after the proclamation of the governor of the adoption thereof by the vote of the counties of Polk and Marshall, as provided in section four (4) of this act, and the balance thereof from and after its passage.

Approved February 21, 1885.

CHAPTER 222.

AN ACT TO REGULATE OFFENSIVE TRADES AND EMPLOYMENTS.

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

SECTION 1. The board of health of each town, village or city in this state shall from time to time assign certain places within such town for the exercise of any trade or employment which is a nuisance or hurtful to the inhabitants, or dangerous to the public health, or the exercise of which is attended by noisome or injurious odors, or is otherwise injurious to the estates of such inhabitants; and may prohibit the exercise of such trade or employment in places not so assigned. Said board may also forbid such exercise within the limits of the town or particular locality thereof. All such assignments shall be entered in the records of the town and may be revoked when said board shall think proper.

SEC. 2. It shall not be lawful for any person or corporation to exercise within any town, village or city any trade or employment mentioned in section one (1) of this act without having first obtained from the board of health of such town, village or city permission so to do, and the assignment provided in said section; and any person or corporation violating the provisions of this section shall forfeit and pay the sum of fifty dollars (\$50) for each and every day that any such trade or employment is exercised or carried on, to be recovered in any court having jurisdiction thereof and sitting within the county where any such trade or employment is exercised or carried on; such action shall be commenced and prosecuted by such board in its name and for its benefit.

SEC. 3. When any assignment mentioned in section one (1) hereof shall be revoked, said board shall serve upon the occupant, corporation or person having charge of the

When act to
take effect.

Board of health
to assign places
for the exercise
of any trade
which is a nuisance.

Permission to
be obtained
from the board
to exercise such
trade—penalty
for violation.

Duty of board
in case of revocation of assignment—
refusal to obey
subject to fine.

premises where such trade or employment is exercised a written notice of such revocation. If the person or corporation upon whom such order is served, for twenty-four (24) hours after such service, refuses or neglects to obey the same, said board shall take all necessary measures, by injunction or otherwise, to prevent such exercise; and the person or corporation so refusing or neglecting shall forfeit and pay the sum of one hundred dollars (\$100) for each and every day that such trade or employment shall be exercised after the service of such notice, to be recovered in the manner and by the party and for the benefit as provided in section two (2) hereof.

SEC. 4. Any person or corporation aggrieved by any order of such board, may appeal therefrom to the district court of the county in which such trade or employment is exercised. Such appeal shall be taken by the filing of such aggrieved person or corporation, within five (5) days after the service of such order, in the office of the clerk of said court, of a notice of such appeal, together with a bond in the sum of not less than five hundred (500) dollars, with two (2) or more sureties, to be approved by the judge of said court, conditioned for the prosecution of such appeal to judgment and for the payment of all costs and expenses that may be awarded against such appellant, and by the service of a copy of such notice and bond upon such board. If such appeal be taken within twenty (20) days next before the time appointed for holding a general term of said court within said county, the same shall be heard at such time as other civil causes, and at the request of either party shall be tried by jury. If such appeal is taken more than twenty (20) days before any such term, the judge shall, by order, appoint a time and place for the hearing of such appeal, and shall, if the appellant demand a trial by jury, direct the sheriff of such county to summon a jury of twelve (12) persons having the qualifications of jurors, to appear at the time and place named in said order, to serve as jurors in said cause. Any person so summoned may be challenged as in civil actions. If a sufficient number of such persons so summoned do not appear, the court shall require talesmen to be called as in other cases, and said appeal shall be tried as other civil causes. During the pendency of such appeal, such trade or employment shall not be exercised contrary to the order of said board; and upon the violation of any such order the appeal shall forthwith be dismissed. Upon the return of the verdict of the jury the court may either alter or amend the order of the board or affirm or amend it in full, to conform to such verdict. If the matter be tried by the court it shall have and exercise the same power.

SEC. 5. Any person injured, either in his comfort or the enjoyment of his estate, by the exercise of any such trade or

Right of appeal

Proceedings under appeal.

Persons aggrieved, action for damages may be brought.

employment, may have and maintain an action for the damages sustained thereby.

SEC. 6. When it appears on a trial before the district court for the proper county, upon a complaint made by any person that any place or building assigned as provided in section one (1) of this act has become a nuisance by reason of offensive smells or exhalations proceeding from the same, or is otherwise hurtful or dangerous to the neighborhood or to travelers, said court may revoke such assignment and prohibit the further use of such place or building for the exercise of either of the aforesaid trades or employments, and may cause such nuisance to be removed or prevented.

SEC. 7. When any building or premises within any city, village or town are occupied or used for the exercise of any trade or employment aforesaid, the state board of health shall, upon application made to it for that purpose, appoint a time and place for hearing the parties, and give notice of not less than ten (10) days thereof to the complainant and the party against whom such application is made, and after such hearing may, if in its judgment the public health or the public comfort and convenience so require, order any person to desist and cease from further carrying on such trade or occupation in such building or premises; and any person or corporation thereafter continuing to occupy such building or premises shall forfeit and pay the sum of one hundred (100) dollars for every day of such occupancy or use, to be recovered in any court having jurisdiction thereof by action commenced and prosecuted in the name of the board of health of such city, village or town, and for its use and benefit. Any person or corporation aggrieved by any such order may appeal therefrom, and said appeal shall be taken, prosecuted and determined in the same manner provided in section four (4) of this act. During the pendency of such appeal such trade or employment shall not be exercised contrary to the orders of said state board, and upon the violation of [any] such order the appeal shall forthwith be dismissed.

SEC. 8. The district court or the judge thereof may issue an injunction or other proper writ to enforce the orders of said state board issued under the provisions of this act.

SEC. 9. Nothing in this act contained shall be so construed as to impair any other remedies which may exist in cases of nuisance.

SEC. 10. This act shall take effect and be in force from and after its passage.

Approved March 7, 1885.

When district
court may
revoke assign-
ment.

Board of State
Board of health.

Right of appeal.

When injunc-
tion may issue.

Not to impair
other remedies.

When act to
take effect.