

SEC. 48. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 49. This act shall take effect and be in force from and after its passage.

Approved Feb. 9, 1887.

## CHAPTER 27.

(S. F. 411.)

AN ACT TO CONSOLIDATE AND AMEND AN ACT ENTITLED "AN ACT TO INCORPORATE THE VILLAGE OF LITCHFIELD" APPROVED FEBRUARY 29, A. D. ONE THOUSAND EIGHT HUNDRED AND SEVENTY TWO, (1872,) AND THE SEVERAL ACTS AMENDATORY THEREOF.

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

SECTION 1. That the act entitled "An Act to incorporate the village of Litchfield" approved February 29th, A. D. one thousand eight hundred and seventy-two (1872), and the several acts amendatory thereof be consolidated and amended so as to read as follows:

### CHAPTER I.

SECTION 1. All that territory embraced in the following descriptions and boundaries, to wit: The east half ( $\frac{1}{2}$ ) and the east half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ), and the east half ( $\frac{1}{2}$ ) of the southwest quarter ( $\frac{1}{4}$ ) of section eleven (11), and the west half ( $\frac{1}{2}$ ) of section twelve (12), and the west half ( $\frac{1}{2}$ ) of section thirteen (13), and the northeast quarter ( $\frac{1}{4}$ ) and the east half ( $\frac{1}{2}$ ) of the northwest quarter ( $\frac{1}{4}$ ), and the northeast quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ) and lots one (1), two (2) and three (3), of section fourteen (14), and lot one (1) of section twenty-three (23), all that part of the meandered lake known as "Lake Ripley" which is included within the meandered lake shore lines of section fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23), and a straight line connecting the easterly extremities of said shore lines, together with a strip of land twenty (20) feet in width around the entire meandered lake shore lines of said section fourteen (14), fifteen (15), twenty-two (22) and twenty-three (23), all in township one hundred and nineteen (119) of range thirty-one (31) in Meeker county, Minnesota, shall be known as the village of Litchfield, and shall have the powers generally possessed by municipal corporations at common law, and in addition thereto shall have the powers herein specifically granted; and shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded in all courts of law and equity; and may have a

common seal, and may alter the same at pleasure; and may also take, hold, purchase, lease and convey such real and personal estate within or without the limits thereof as the purposes of the village may require.

SEC. 2. The said village shall be divided into not less than two (2), nor more than five (5) wards, as may be provided by ordinance of the common council; *Provided*, that the first (1st) division of the said village into wards shall be made by the present common council on or before the fifteenth (15th) day of March, A. D. one thousand eight hundred and eighty-seven (1887).

SEC. 3. There shall be an annual election held in said village for the election of the officers hereinafter provided for, on the first (1st) Monday in April in each and every year, at such place in each ward as the common council shall designate; and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) o'clock in the afternoon; and ten (10) days previous notice shall be given by the village recorder of the time and place of holding such election and the officers to be elected by posting notices thereof in three (3) public places in each ward.

## CHAPTER II.

SECTION 1. The elective officers of the said village shall be a mayor, recorder, treasurer, village attorney, justice of the peace, and constable, who shall be qualified electors of the village, and two (2) aldermen in each ward, who shall be qualified electors therein; all other officers of the said village shall be appointed by the common council, unless otherwise provided. At the first annual election after the passage of this act there shall be elected in each ward two (2) aldermen, one (1) for one (1) year and one (1) for two (2) years; at every annual election thereafter one (1) alderman shall be elected from each ward, who shall hold his office for two (2) years and until his successor is elected and qualified. The justice of the peace shall hold his office for two (2) years and until his successor is elected and qualified. All other elective officers shall hold their offices for one year and until their successors are elected and qualified. All appointive officers shall hold their offices during the pleasure of the common council, and may be removed at any time in the discretion of the common council.

SEC. 2. Whenever a vacancy shall occur in any elective office, such vacancy shall be filled by a new election, which shall be ordered by the common council, and notice of the time and place of holding such election, and the officer or officers to be voted for thereat, shall be given as herein provided for other elections. Any person elected to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

SEC. 3. All persons entitled to vote for state and county officers under the general laws of the state, and who shall have resided in the ward where they offer to vote for ten (10) days next preceding the time of holding the election, shall be entitled to vote at any election held in said village.

SEC. 4. Each ward of the said village shall constitute an election district for village elections. The elections in said village shall be conducted by the alderman of each ward and one (1) other elector of each ward to be appointed by the common council, who shall be judges and inspectors of elections, and shall take the usual oath or affirmation as prescribed by the general laws of the state, to be taken by the judges and inspectors of election, and shall have power to appoint clerks of election and to administer the necessary oaths or affirmations. Such elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the board of judges and inspectors thereof filled, as required by the laws of the state regarding elections. *Provided*, That no candidate for office shall act as judge or clerk at such election.

*Provided, further*, That at the first annual election under this act, to be held on the first (1st) Monday in April, A. D. one thousand eight hundred and eighty-seven (1887) the present common council shall appoint three (3) persons in each ward to be judges and inspectors of election, who shall have and exercise all the powers and authority of the judges and inspectors of election herein provided for and shall perform the same duties.

*Provided, further*, That the judges and clerks of election provided for in this act shall receive the same compensation as judges and clerks of election under the general laws of the state.

SEC. 5. When a village election shall be closed and the number of votes for each person shall have been counted and ascertained, the judges shall make return thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the village recorder within one (1) day after any election, and the common council shall meet and canvass said returns, and declare the result as it appears from the same within two (2) days thereafter. The village recorder shall forthwith notify the officers of their election by written notice served upon each officer in person or by mail.

SEC. 6. Special elections shall be held and conducted, and the returns made, canvassed and declared in the same manner as annual elections, and upon like notice.

SEC. 7. The term of office of every officer elected under this act shall commence on the second (2d) Monday of April of the year for which he is elected.

### 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 before whom the same was taken, with the village recorder; and the justice, treasurer, recorder and constable and such other officers as the common council may direct, shall severally, before entering upon the duties of their respective offices, execute to the said village a bond with sufficient sureties, to be approved by the common council, and file the same with the village recorder. Such bond shall be

for such sum and shall contain such conditions as the common council shall deem proper, and the common council may from time to time acquire new bonds, and any officer who shall neglect or refuse to give such additional bond shall forfeit his right to his office and such office shall become and shall be by the common council declared to be, vacant.

SEC. 2. The justice of the peace and constable elected under the provisions of this act shall, in addition to the oath and bond hereinbefore required, take the same oath and give the same bond, and shall possess the same powers and authority and perform the same duties, in addition to those herein specially provided, as justices of the peace and constables elected under the general laws of the state, and shall be deemed and included in every respect by said general laws.

SEC. 3. The mayor shall be the chief executive officer of the village and shall see that all the laws of the state and the ordinances of the village are duly observed and enforced, and that all the other executive officers of the village discharge their respective duties. He shall from time to time give the common council such information and recommend such measures as he may deem advantageous to the village.

SEC. 4. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approve thereof he shall sign the same; if he do not approve thereof, he shall return the same to the common council with his objections thereto, by depositing the same with the village recorder who shall present them to the common council at their next meeting. Upon the return of any ordinance or resolution by the mayor the common council may consider the same, and if upon such reconsideration the common council shall pass the ordinance or resolution by a vote of two-thirds ( $\frac{2}{3}$ ) of all the members of the common council, it shall have the same effect as if approved by the mayor. If an ordinance or resolution shall not be returned by the mayor within five (5) days (Sundays excepted) after the same shall have been presented to him, it shall have the same effect as if approved by him.

SEC. 5. At the first meeting of the common council in each year they shall proceed to elect, by ballot, from their number a president and vice president. The president shall preside over [all] the meetings of the common council, and during the absence of the mayor from the village, or his inability from any cause, to discharge the duties of his office, the president, and in his absence or inability, the vice president, shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice president shall act as president. The president and vice president, while performing the duties of mayor, shall be styled the acting mayor, and acts performed by them while acting as mayor, shall have the same force and validity as if performed by the mayor. The mayor, and president and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 6. The recorder shall be the recording officer of the village,

and clerk of the common council. He shall have the custody of the seal of the 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 the said village, except as otherwise herein provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking and filing his receipt therefor. He shall keep all the accounts of the said village, receive all claims against the same, and draw orders upon the treasurer for moneys payable by the said village, but no such order shall be drawn unless the same shall be in full or part payment of a claim against the said village 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 by the common council in a newspaper printed and published in the said village. The recorder shall, with all reasonable dispatch, make such other reports, and at such times, as the common council shall require. The recorder shall receive such compensation as shall be allowed by the common council.

SEC. 7. The treasurer shall be the depository of all moneys belonging to the said village. He shall from such moneys pay, upon presentation, all orders drawn by the recorder and countersigned by the mayor. He shall file with the recorder, at least ten (10) days and not more than twenty (20) days, before the annual election, a detailed account of the receipts and expenditures after the date of the last report, and also the state of the treasury, which said report shall be published in a newspaper printed and published in the said village.

SEC. 8. The justice of the peace provided for and elected under the provisions of this act shall have 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 jurisdiction to hear and try all complaints for the violation of any of the provisions of this act, or of any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the said village is a party, and of all suits, prosecutions, and proceedings for the recovery of any fine, forfeiture or penalty, under any ordinance, by-law, rule or regulation of the said village, and in all cases of offenses against the same. All prosecutions for the violation of any of the provisions of this act, or of any ordinance, by-law, rule or regulation of the said village shall be commenced in the name of the Village of Litchfield, and the same forms and proceedings shall be had in all civil and criminal proceedings, suits, or prosecutions before the said justice, except as herein otherwise provided, as are established and required to be had in civil and criminal actions by the general laws of the state before justices of the peace, except that no change of venue shall be taken. All fines, penalties and forfeitures recovered in any suit, prosecution or proceeding commenced in the name of the Village of Litchfield shall be paid to the village recorder, for the use of the said village. The justice of the peace shall, at least once in three months,

make to the common council a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay over the same to the village recorder. Any justice of the peace elected or appointed under the general laws of the state and residing in the said village, upon filing the bond and oath herein provided for, the village justice shall have concurrent jurisdiction with the justice of the peace, elected under the provisions of this act, and shall be subject to the same liabilities and restrictions. The fees of the justices of the peace provided for herein shall be the same as are fixed by the general laws of the state for justices of the peace. All warrants, writs and processes issued by the said justices shall be directed to the sheriff or any constable of Meeker county, and may be executed or served by the sheriff or any constable of the said county or by the constable or any policeman or watchman of the said village; and for such purpose such sheriff, constables, policemen and watchmen shall have and possess and may exercise the same power and authority which such sheriff and constables have in the execution and service of warrants, writs and other processes issued by justices of the peace elected under the general laws of the state.

SEC. 9. The constable shall have the same power and authority as constables elected under the general laws of the state and in addition thereto it shall be his duty to obey all lawful orders of the common council, to arrest with or without process, and with reasonable diligence to take before a village justice, every person found in such village in a state of intoxication, or engaged in any disturbance of the peace, or violating any law of the state or ordinance of the village. He may command all persons present to assist him therein, and if any person being so commanded shall refuse or neglect to render such assistance he shall be fined not exceeding ten (10) dollars and the costs of prosecution. He shall be entitled to the same fees allowed to constables for similar services; for other services rendered to the village, such compensation as the common council may allow.

SEC. 10. The village attorney shall be the legal advisor of the common council and other officers of the village in all matters relating to their official duties. He shall be and act as the attorney of the said village in all actions in which the village may be a party. He shall receive such compensation as shall be allowed by the common council.

SEC. 11. The common council shall, at their first meeting in each year, or as soon thereafter as they shall deem expedient, appoint a street commissioner who shall hold his office during the pleasure of the common council. He shall give a bond to the said village in such penal sum as the common council may direct, with two sufficient sureties to be approved by the common council, conditioned that he will account for all moneys collected or received by him in his official capacity, or belonging to the village. It shall be his duty to superintend all work and improvements on the streets, bridges, and public grounds in the village, and carry into effect all orders of the common council in relation to such work and improvements. He shall perform such other duties in relation to streets and public

grounds and in relation to taxes and assessments relative thereto as is prescribed by this act or the common council shall by ordinance prescribe. He shall possess, in addition to the powers and authorities herein specially granted, all the powers and authority of overseer of highways under the general laws of the state. The street commissioner shall receive such compensation as shall be allowed by the common council.

SEC. 12. No officer elected or appointed to office under the provisions of this act shall be a party to or interested in any contract in which the village is interested, made while such officer is holding office.

SEC. 13. The mayor and aldermen shall receive no compensation for their services as such officers, except that the aldermen shall receive compensation when acting as judges of election as hereinbefore provided.

SEC. 14. The mayor, aldermen, recorder, justice of the peace, constable, policemen and watchmen shall be peace officers with the powers of constables at common law, and may command the peace, suppress in a summary manner all rioting and disorderly behavior within the limits of the said village and for such purposes may command the assistance of the by-standers, and, if need be, the mayor or acting mayor may call out all the citizens and military companies in the village; and if any person, by-stander, military officer or private shall refuse or neglect to aid in maintaining the peace, when so required, he shall be fined not less than ten (10) dollars nor more than one hundred (100) dollars; and in cases where it shall be necessary to call out a force to suppress a riot or disorderly behavior, the mayor or acting mayor shall direct the proceedings.

#### CHAPTER IV.

SECTION 1. The aldermen shall constitute the common council, and all actions of the common council intended to have the force of rules or law or authority for contract shall be by ordinance under the style of "Be it ordained by the common council of the village of Litchfield." No ordinance shall embrace more than one (1) subject which shall be stated in its title. The common council shall meet at such time and place as they, by resolution, may direct and a majority of the aldermen shall constitute a quorum.

SEC. 2. The common council shall hold stated meetings and the mayor may call special meetings by notice to each of the aldermen, to be delivered personally or left at their residence or place of business.

SEC. 3. The common council shall be judges of the election and qualifications of its members, and in such cases shall have power to send for persons and papers and to compel persons to testify before them. They shall determine the rules of their own proceedings and have the power to compel the attendance of absent members. Any person who shall refuse or neglect, without reasonable excuse, to obey any order of the common council made in pursuance of the power

granted by this section shall be guilty of a misdemeanor and shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100).

SEC. 4. The common council shall have the management and control of the finances and all the property of the village, and shall, in addition to the powers herein specially vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the said village, for the suppression of vice and intemperance and for the prevention of crime, and for the prevention and suppression of disease, 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 provisions of any ordinance, rule, by-law or regulation passed or ordained by them; and all such ordinances, rules, by-laws and regulations are hereby declared to have the force of law; *Provided*, that they be not repugnant to the constitution of the United States or the state of Minnesota; and for these purposes shall have full power and authority by ordinances, rules, by-laws and regulations.

*First*—To license and regulate the exhibitions of common showmen and shows of all kinds, the exhibitions of caravans, circuses, billiard and pool tables, nine-pin and ten-pin alleys, auctions and auctioneers, groceries, taverns and victualing houses, and to restrain and prohibit or license and regulate the sale and disposal of spirituous, vinous, fermented, malt and all intoxicating liquors and the places where the same are sold within the limits of the said village.

*Second*—To restrain and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing with cards, dice or other games of skill or chance for the purpose of gaming, and all wheels of fortune and all other devices and schemes of chance in said village, and to prohibit any person from selling or in any manner disposing of intoxicating liquors in said village unless duly licensed by the common council.

*Third*—To prevent any riot, noise, disturbance or disorderly assemblage in said village, and to provide for the arrest and punishment of persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame and to provide for the arrest and punishment of the keepers thereof and of persons who frequent the same, and to authorize the destruction of all instruments used for the purpose of gambling.

*Fourth*—To compel the owner or occupant of any grocery, cellar, factory, tannery, stable, barn, privy, sewer or other unwholesome or 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 or convenience of the inhabitants of the said village.

*Fifth*—To direct the management and location of slaughter houses, meat markets, breweries, distilleries, and pawn brokers' shops.

*Sixth*—To prevent the encumbering of streets, sidewalks, lawns, alleys or public grounds with locomotives, cars, wagons, carriages,



carts, sleds, sleighs, boxes, lumber, posts, firewood, awnings, machinery, merchandise, barrels, rubbish, or any other substances or materials whatever.

*Seventh*—To prevent horse racing and immoderate riding and driving in the streets, and to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets or other open places.

*Eighth*—To restrain the running at large of cattle, horses, swine, sheep, geese, ducks, chickens, and other animals and fowls, and authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals and fowls for permitting them to go at large contrary to the ordinances.

*Ninth*—To require the keepers of dogs to procure a license for keeping the same, and to punish the keeping of any dog or dogs without such license.

*Tenth*—To prevent any person from bringing, depositing or having within said village, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who shall have upon premises owned or occupied by him, any such substance, or any putrid or unsound meat, fish or skins of any kind, and, on default, to punish the offender, and to authorize the removal of such substances by some competent officer of the village at the expense of such owner or occupant.

*Eleventh*—To establish, construct and maintain public pounds, pumps, wells, cisterns, reservoirs and hydrants, to erect lamps, and provide for the lighting of the village.

*Twelfth*—To establish and regulate boards of health, who shall have all the power and authority of boards of health under the general laws of the state; to provide hospitals and hospital grounds; to require the registration of births and deaths, and the return of bills of mortality; and to regulate, or prevent if deemed expedient, the burial of the dead within the village limits.

*Thirteenth*—To prevent all persons from riding or driving any horse, ox, mule, cattle, or other animals, upon the sidewalks or in the parks of the said village, or in any way doing damage to the same.

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

*Fifteenth*—To prevent drunkenness and obscenity in the streets or public places in the said village, and to regulate or prohibit swimming and bathing in the waters of the said village.

*Sixteenth*—To regulate the place and manner of weighing and selling hay, and measuring and selling wood, coal and lime, and to appoint a suitable person to superintend and conduct the same.

*Seventeenth*—To compel the owner or occupant of buildings or grounds to remove snow, dirt or rubbish from the sidewalk, street or alley opposite thereto, and to compel such owner or occupant to remove from the lot or grounds owned or occupied by him all such

substances as the board of health shall direct; and in his default to authorize the removal or destruction of the same by some officer of the village at the expense of such owner or occupant.

*Eighteenth*—To create and establish the police of the said village, to appoint a chief of police and other police officers, and to prescribe their number and duties, and regulate the same; and to provide for watchmen and to prescribe their number and duties and regulate the same.

*Nineteenth*—To direct and regulate the planting and preserving of shade and ornamental trees in the streets and public grounds of the village; to require the owners of lots or grounds to plant and cultivate and maintain at their own expense, at least two (2) rows of trees along the street in front of the same, and to direct and regulate the planting of such trees; and in case of default of such owners to plant and cultivate, and maintain such trees, the common council may cause the same to be planted and cultivated and maintained by some officer of the village, at the expense of such owners, which said expense shall be a charge against and lien upon such lots and grounds, and shall be levied and collected as in case a similar charge for the construction and maintenance of sidewalks, and the common council shall proceed in the same manner in ordering such work to be done, as is herein provided in case of ordering the construction or repair of sidewalks.

*Twentieth*—To remove and abate any nuisance injurious to public health, and to provide for the punishment of all persons who shall cause or maintain the same.

*Twenty-first*—To remove and abate any nuisance, obstructions or encroachments upon the streets, alleys, sidewalks or public grounds of the village.

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

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

*Twenty-fourth*—To build, maintain and regulate a watch house or prison for the temporary confinement of offenders against the ordinances of the village.

*Twenty-fifth*—To prevent assaults, batteries and affrays and to provide for the arrest and punishment of persons guilty of the same.

*Twenty-sixth*—To provide for the inspection of meat, fish, flour, milk and all other provisions and to appoint an inspector with full powers and authority to go upon all premises and into all buildings in the said village upon or in which such meat, fish, flour, milk or provisions are kept, or upon or in which animals intended for slaughter, or from which milk is obtained, are kept, and to examine and to condemn all such meat, fish, flour, milk or other provisions which he shall find to be unsound or unwholesome and all such animals which he shall find to be unhealthy. And the common council shall have

power and authority to provide for the arrest and punishment of all persons who shall sell or offer for sale any such meat, fish, flour, milk or other provisions after the same shall have been condemned by such inspector as unsound or unwholesome, or who shall slaughter any such animals for the purpose of selling the meat, or who shall sell or offer for sale any milk from any such cows, after the same shall have been condemned as unhealthy.

*Twenty-seventh*—Fines, penalties and punishments imposed by the common council for breach of any ordinance, by-law, rule or regulation of the said village may extend to a fine not exceeding one hundred (100) dollars and imprisonment in the county jail for a period not exceeding sixty (60) days, and to be fed on bread and water, or to be required to labor on the streets or other place or at other labor as provided by ordinance, in the discretion of the justice.

SEC. 5. All ordinances, rules, regulations resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present, by ayes and noes, signed by the mayor and published once in a newspaper printed and published in the said village before they shall be in force; they shall be recorded by the village recorder in a book kept for that purpose and in such record he shall note the time of passage, the fact of signature by the mayor, or, in case they are not signed by the mayor, the facts making such signature unnecessary to their validity, and the fact and time of publication and that such publication was made in a newspaper printed and published in said village; such record or a certified copy thereof shall be *prima facie* evidence of all the facts therein stated and of the validity of the ordinances therein recorded.

SEC. 6. The power conferred upon the common council to provide for the removal and abatement of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill fame and houses and places where intoxicating liquor is sold without license, within the limits of the said village are hereby declared to be public or common nuisances.

SEC. 7. The common council shall examine, audit and adjust the accounts of the recorder, treasurer, justice of the peace, street commissioner and all other officers and agents of the village at such times as they may deem proper, and also at the end of each year, and before the term for which such officers 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 or neglect to comply with the orders of the common council made in discharge of their duties under this section, or shall neglect or refuse to present his books, accounts and vouchers to the common council, or 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 institute suits and proceedings at law against any officer or agent of the said village who shall be found delinquent or defaulting in his accounts, or in discharge of his official duties. The common council shall keep a full record of such settlements and adjustments.

SEC. 8. The common council may at any general election, or at any special election called for the purpose, submit to the legal voters of the said village the question of issuing bonds of the said village for any purpose and to any amount they may deem expedient, stating in the notice of such election the purpose for which such bonds are proposed to be issued and the amount of such bonds. And if at any such election two-thirds ( $\frac{2}{3}$ ) of the votes cast upon such proposition be for the issue of such bonds, the common council may issue such village bonds for the purposes and to the amount stated in the notice for such election, bearing interest not to exceed eight (8) per cent. per annum and payable at any time within fifteen (15) years at the discretion of the common council. No indebtedness, bonded or otherwise, shall be incurred by the common council nor any officer of the village unless authorized by a vote of the legal voters of the village as provided for in this section.

SEC. 9. The common council shall have power and authority to establish and maintain public libraries and reading rooms, to purchase, build or lease suitable rooms and buildings for the same, to purchase books, magazines, newspapers and periodicals therefor and to make and enforce rules and regulations for the government and regulation of the same and the use of the same.

SEC. 10. Every contract, conveyance, commission, license or other written instrument shall be executed on the part of the village by the mayor and recorder, sealed with the corporate seal, and only in pursuance of authority therefor from the common council granted by resolution duly recorded by the recorder.

## CHAPTER V.

SECTION 1. The common council shall have the care, supervision and control of all public highways, streets, bridges, alleys, walks, parks, squares, and grounds within the limits of the village, and shall cause all streets and alleys which may have been opened to be kept in repair and free from obstructions and nuisances. No part of the streets or highways of the said village shall be in any road district established by the town board, nor shall any overseer of highways be elected in or for said village, but the said village shall constitute one (1) independent road district and the street commissioners appointed by the common council shall be road master thereof with all the powers and authority of road overseers under the general laws of the state, and all the taxes raised within the limits of the said village for road and bridge purposes shall be expended under the direction of the common council.

SEC. 2. The common council, by a vote of not less than two-thirds ( $\frac{2}{3}$ ) of the members present and constituting a quorum of any regular or special meeting, shall have power and authority to lay out, open, alter and vacate public parks, squares, streets, grounds, alleys and highways, and to enlarge, widen, straighten and improve the same. *Provided*, That whenever it shall be required to take private property for the purposes above stated, the common council shall proceed

in the same manner as near as may be, as now is or hereafter may be prescribed by the general laws of the state, relative to laying out and opening public streets, alleys, highways and public grounds in cities organized under the said general laws of the state. *Provided further*, That the powers and duties prescribed to city officers under the said general laws shall devolve upon the corresponding village officers under this act, and when there is no corresponding village officer, such powers and duties shall be possessed and performed by such persons as shall be appointed or employed by the common council for such purpose; the profile and plat required by said general laws to be made with the assistance of the city surveyor and filed in his office, shall be made with the assistance of any competent surveyor and filed in the office of the village recorder and all publication of notices shall be made by publishing the same in any newspaper printed and published in the said village.

SEC. 3. The common council may establish the grade of any or all of the streets, alleys and sidewalks, or any part of the same, and may alter such grade when necessary or expedient, and may require all sidewalks and gutters to be constructed in conformity therewith. They shall cause accurate profiles of such grades to be made by a competent surveyor and engineer and kept on file in the office of the village recorder.

SEC. 4. The common council shall have power and authority to build and repair or to require property owners to build and repair sidewalks, and they shall have power and authority to construct and pave and repair gutters along the streets and alleys and to assess the whole, or any part not less than one-half ( $\frac{1}{2}$ ), of the cost of such improvements against the lots and parcels of land fronting upon the same; *Provided*, that in case only a part of the cost of such improvements shall be assessed against such lots and parcels of land the balance shall be paid out of the village treasury.

SEC. 5. The common council shall prescribe the width, materials, and manner of construction of sidewalks and gutters and may prescribe different widths, materials and modes of construction in different localities.

SEC. 6. Whenever the common council shall deem it necessary to construct or repair any sidewalk they may require the street commissioner to notify all owners of any lot or lots or parcels of land abutting upon such sidewalk, to construct or repair the same, at the grade established by the common council if such grade has been established, at the proper cost and expense of such owners, within a time designated, by publishing such notice for two (2) weeks in a newspaper printed and published in said village, setting forth in the said notice what work is to be done, and the character of the same, by such owners, and the time in which they are to complete the same.

SEC. 7. If the said work is not done and such sidewalks built or repaired in the manner and within the time prescribed, the street commissioner shall proceed to do the said work, at the cost and expense of the owner of such lots and parcels of land and the said expenses shall be assessed against the lots and parcels of land charge-

able therefor by the street commissioner and returned by him to the common council; and said assessment if, approved by the common council, shall be a lien upon such lots and parcels of land, the same as village, county and state taxes.

SEC. 8. Whenever the common council shall deem it necessary to construct, pave or repair any gutter along any of the streets or alleys or along any part of any street or alley, they may proceed to construct, pave or repair the same by letting the same to the lowest bidder, such bidder to give a bond, to be approved by the common council, for the faithful performance of such work, and such work to be done under the supervision of the street commissioner, or by ordering the same to be done by the street commissioner under the supervision of a committee of their own number. And in either case not less than one-half ( $\frac{1}{2}$ ) of the cost of such improvement shall be assessed against the lots or parcels of land fronting upon the same, such assessment to be made according to frontage without regard to the value of the several lots or parcels of land.

SEC. 9. If the assessments provided for in the last two preceding sections be not paid to the street commissioner or to the village treasurer on or before the fifteenth (15th) day of August next succeeding the levy of the same, there shall be added to such assessments which shall not have been paid a penalty of five (5) per cent upon the same, and the common council shall cause a statement of such of the said assessments as shall not have been paid, together with the penalty thereto added, with the statement of taxes levied for that year, to be transmitted to the county auditor on or before the first (1st) day of September in each year, and the county auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof shall be enforced with and in like manner as village, county and state taxes are collected, and payment thereof enforced, and when collected shall be paid over to the village treasurer.

## CHAPTER VI.

SECTION 1. The common council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or other buildings the material or construction of which shall be regarded as dangerous to surrounding property, shall not hereafter be erected, placed or repaired, and to require that all and any buildings within the limits prescribed shall hereafter be built and constructed in such manner, and of such material, as, in the judgment of the common council, shall not be dangerous to surrounding property; and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise to the extent of fifty (50) per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, or structure hereafter erected or placed within the fire limits contrary to ordinance, to be taken down

or removed beyond the fire limits of the village; and shall have power to prescribe the notice to be given the owner or agent to remove such building, and, in case the same is not removed in pursuance of such notice given, to order the same to be taken down or removed by the police, or in such manner as the common council may direct, at the cost and expense of the owner of such building or structure. And the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made to carry out the provisions thereof, not exceeding one hundred (100) dollars.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a secure condition, where considered dangerous; to prevent the deposit of ashes in unsafe places, and the throwing of ashes in the streets or alleys; to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fires; to compel owners or occupants of buildings to have scuttles in the roofs and ceilings and stairs or ladders to the same; and generally to establish such measures for the prevention or extinguishment of fires as may be necessary and proper.

SEC. 3. The common council shall have power to purchase fire engines and all other apparatus necessary to the extinguishment of fires, and to authorize the formation of fire, engine, hook-and-ladder and hose companies, and to provide for the proper support and regulation of the same. Every member of each company which may be authorized to be formed shall be exempt from highway labor and poll tax and from serving on juries, during the continuance of active membership.

SEC. 4. The common council shall have power to appoint an engineer and two (2) assistant engineers of the fire department and one (1) or more fire wardens. The fire wardens shall have authority, at all reasonable times, to enter into and examine all dwelling houses, lots, yards, inclosures and buildings of every description in order to ascertain whether any of them, or any apparatus in them, is in a dangerous condition.

SEC. 5. The common council shall have power and authority to regulate the handling and storing of gunpowder, gasoline, kerosene and all other explosive, inflammable or dangerous materials.

SEC. 6. The mayor, recorder, aldermen, fire wardens and all other peace officers of the village shall have power and authority to keep away from the vicinity of any fire all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the preservation of property exposed therat. The mayor or any two (2) aldermen, with the concurrence of the acting chief engineer of the fire department, may require the hook and ladder company or the bystanders, to tear down and raze to the ground and remove any building or buildings in the vicinity of any fire for the purpose of checking the progress of such fire and preventing the communication to other buildings.

SEC. 7. Whenever any person shall refuse, or neglect without

reasonable excuse, to obey any lawful order of any engineer, fire warden, mayor, alderman or other proper officer, at any fire, it shall be lawful for the officer giving such order to arrest, or direct orally any constable, policeman, watchman or any citizen to arrest such person, and confine him temporarily in a safe place, until such fire shall be extinguished; and in the same manner such officer, or any of them, may arrest, or direct the arrest, and confinement of any person at such fire who shall be intoxicated or disorderly, and any person who shall refuse or neglect to obey such lawful order or who shall refuse or neglect to arrest or aid in arresting any person so refusing, without reasonable excuse, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five (5) dollars nor more than fifty (50) dollars.

## CHAPTER. VII.

SECTION 1. The common council shall have power and authority to levy upon the taxable property of the said village, taxes to provide for the current expenses of the village government, police, fire department and board of health and for constructing, repairing, and maintaining public buildings, reservoirs, cisterns, [and] for purchasing fire engines and apparatus, and for opening, improving and maintaining public parks, squares and grounds, for establishing and maintaining libraries and reading rooms, and for other purposes conducive to good order and cleanliness, and to protect from crime, disease and fire, and for all other general purposes which shall be necessary to carry into full effect all the powers and authority granted by this act; provided that such tax shall in no year exceed one (1) per cent. of the assessed valuation of the property of said village. Such tax shall be known as the general tax and the fund derived therefrom as the general fund.

SEC. 2. The common council shall have power and authority to levy upon the taxable property of the said village taxes for the purpose of constructing and maintaining bridges, culverts and gutters, for opening constructing, repairing and maintaining streets, highways and alleys, and for all necessary expenses pertaining to the highways and bridges in said village; provided that such tax shall in no year exceed one (1) per cent. of the assessed valuation of the taxable property of the said village. Such tax shall be known as the road tax and the fund derived therefrom as the road fund.

SEC. 3. The common council shall have power and authority, and it shall be their duty to levy upon the taxable property of the said village, taxes sufficient to pay all bonds or other indebtedness due or payable in any year and interest on bonds or other indebtedness due or payable in any year unless that prior to the fifteenth (15) day of August in each year some other adequate provision has been made for the payment of the same. Such tax shall be known as the sinking fund tax and the fund derived therefrom as the sinking fund.

SEC. 4. The common council shall, on or before the fifteenth (15th) day of August in each year, by resolution, to be entered of record, determine the amount of village taxes to be levied upon the taxable property in the said village for the current year, but no tax shall be



invalid by reason of any informality in the manner of levying the same, nor because the amount levied shall exceed the amount required to be raised for the special purpose for which the same is levied, but in such case the surplus shall be placed in the fund for which it was levied, and shall be kept and used for the future purposes of such fund.

SEC. 5. On or before the first (1st) day of September in each year the village recorder shall deliver to the county auditor a copy of the resolution provided for in the last preceding section, certified under his hand and the corporate seal of the said village, and shall at the same time make and certify to the county auditor a list of the names of the owners of personal property subject to taxation within the said village, and the county auditor shall enter such taxes upon the tax books, in the same manner as he is required to do in the case of other taxes, and such taxes shall be collected and payment thereof enforced with, and in like manner as, other taxes are collected and payment thereof enforced, and when collected shall be paid over to the village treasurer.

SEC. 6. No money shall be drawn out of the village treasury unless such payment be authorized by a vote of the common council, and it shall be drawn only upon warrants drawn by the recorder, signed by the mayor and countersigned by the recorder, which said warrants shall specify the purpose for which they are drawn, the fund out of which they are payable, and the person in whose favor they are drawn; but they may be made payable to such person or bearer.

SEC. 7. The common council shall have power and authority to levy a highway labor poll tax, not exceeding two (2) days in each year, which said poll tax shall be levied by the common council in the same manner as is prescribed by the general laws of the state for the levy of poll tax by town boards of supervisors, except that the list of persons liable to poll tax shall be made by the village recorder and presented to the common council on or before the fifteenth (15th) day of May in each year, instead of by the road overseer; and such poll tax shall be collected, and payment thereof enforced, in the same manner by the street commissioner, and under the same penalties for neglect to perform such labor or commute therefor, as is prescribed by the general laws of the state for the collection and enforcement of poll tax under the general laws of the state, except that prosecutions for the recovery of fines for neglect to perform or commute for such labor shall be commenced and prosecuted in the name of the village of Litchfield.

## CHAPTER VIII.

SECTION 1. In all prosecutions for any violation of this act, or of any ordinance of the village, the first process shall be by warrant; provided that no warrant shall be necessary in any case of the arrest or apprehension of any person or persons while in the act of violating any law of the state or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted or discharged in the same manner as if arrest had been made by war-

rant; but in such case a written complaint shall be filed as in other cases, and the defendant shall plead to the complaint instead of to the warrant.

SEC. 2. When any suit or action shall be commenced against the said village, the service of process therein shall be by copy served upon the village recorder.

SEC. 3. All the policemen and watchmen of the said village shall possess the powers of constables at common law, and it shall be their duty to execute and serve all warrants, writs, processes and commitments issued by the village justice, for any violation of any of the laws of Minnesota, or of the ordinances of the village, and to arrest without warrant all persons while in the act of committing any such violation of the laws or ordinances; and they shall have power and authority to pursue and arrest any person fleeing from justice, in any part of the state, and when performing the duties of constables, shall be entitled to like fees.

SEC. 4. In all cases of the imposition of any fine or penalty, or the rendering of any judgment by a village justice, pursuant to any statute of the state, or of any ordinance of the said village, as punishment for any offense, or for the violation of any ordinance, by-law, rule or regulation of said village, the offender shall be forthwith committed to the county jail and be there imprisoned for a term not exceeding sixty (60) days, in the discretion of the justice, unless such fine be sooner paid; and from the time of the arrest of any person for any such offense until the time of trial, the person so arrested may be imprisoned in the village jail.

SEC. 5. The common council may, from time to time, as they may deem expedient, by resolution to be entered of record, cause the ordinances, by-laws, rules and regulations of the said village to be revised and published in pamphlet form and may cause the village recorder to attach to each of the said pamphlets his certificate, under his hand and the seal of the said corporation, that the pamphlet to which such certificate is attached contains the ordinances, by-laws, rules and regulations of the said village; and any pamphlet purporting to contain the ordinances, by-laws, rules and regulations of the said village, to which such certificate is attached, shall be received in all courts of the state as competent evidence of the several ordinances, by-laws, rules and regulations therein contained without further proof or authentication.

SEC. 6. The common council may, by resolution to be entered of record, grant to any person, firm or corporation the right and privilege to erect telephone and telegraph wires and poles and to construct and maintain telephone and telegraph lines along and across the streets and alleys of said village, and may by ordinance regulate the use of the streets and alleys so as to protect such telegraph and telephone wires from injury or destruction; *Provided*, that such wires and poles shall be so placed and constructed as not to interfere with the reasonable use of the streets and alleys; *Provided further*, that the common council may at any time they may deem expedient, by resolution, require any or all of such telephone or telegraph wires

and poles to be taken down and removed from the streets and alleys, and may provide for the arrest and punishment of any person who shall refuse or neglect to take down and remove any such wire or poles when so required; and in case of the neglect of any person to take down and remove any such wire or poles after being so required the common council may cause the same to be done by the police or otherwise at the cost and expense of the owner thereof.

SEC. 7. The said corporation is hereby invested with all the powers necessary to carry into full force, virtue and effect, all and every part of this act, and the acts amendatory thereof; and the common council of the said village shall have full power and authority to enforce all the provisions of this act and all the power and authority herein granted to the said common council or to the several officers of the said village, by the infliction of fines, penalties and forfeitures not exceeding the limit herein prescribed.

SEC. 8. In all respects not herein provided for, the said village shall be and continue part of the township of Litchfield.

SEC. 9. All ordinances, rules, by-laws and resolutions heretofore made and established by the common council of the said village, not inconsistent with this act, shall be and remain in force until altered or repealed by the common council.

SEC. 10. The village officers at present holding office in the said village, shall continue to hold their respective offices, and exercise the powers and discharge the duties thereof until the expiration of their several terms of office, in all respects as if this act had not been passed; and the said village shall, until the annual election to be held on the first (1st) Monday in April, A. D. one thousand eight hundred and eighty-seven (1887), be governed by the laws heretofore in force relative to the said village, in all respects, except that the common council shall divide the said village into wards, and appoint the judges of election in the several wards, as herein provided.

SEC. 2. That this act shall take effect and be in force from and after its approval.

Approved March 1st, 1887.

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## CHAPTER 28.

(S. F. No. 644.)

### AN ACT TO AMEND THE CHARTER OF THE CITY OF AUSTIN

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

SECTION 1. Amend section ten (10), chapter ten (10) of the charter of the city of Austin by inserting the words "or maintain" after the word "build" whenever it occurs in the proviso at the end of said section.

SEC. 2. This act to take effect immediately.

Approved March 2nd. 1887.