

## CHAPTER 15.

## AN ACT TO INCORPORATE THE VILLAGE OF FISHER.

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

SECTION 1. All that part of the township of Fisher's Landing, county of Polk, and state of Minnesota, hereinafter described shall be known and constitute the village of Fisher, and as such corporation shall have all the powers generally possessed by municipal corporations at common law, and in addition thereto, shall possess all the powers hereinafter granted, and by that name may sue and be sued, make contracts, purchase, take and hold real and personal property, and have a corporate seal, alterable at pleasure.

SEC. 2. The territory included in said village of Fisher shall be: All of sections fourteen (14), fifteen (15), sixteen (16), twenty-one (21), twenty-two (22) and twenty-three (23), lots one (1) and two (2) of section seventeen (17), and lots one (1), two (2), three (3), six (6), eight (8) and eleven (11), of section twenty-seven (27) in township one hundred and fifty (150) of range forty-eight (48) in the county of Polk and state of Minnesota.

SEC. 3. The government of said corporation and the management of all its municipal concerns, shall be vested in three trustees, one of whom shall be selected by themselves, as president, one (1) treasurer, two (2) justices of the peace, one (1) assessor, one (1) marshal and one (1) clerk, who shall be residents of the village. The assessor, clerk and marshal of said village shall be appointed by the trustees of said village, and may be removed at any time (by) said trustees. The trustees and treasurer shall hold their office for one (1) year, and the justices of the peace shall hold their offices for two (2) years, and until their successors are elected and qualified. The trustees may fill by appointment any vacancy which may occur in any of the village offices.

SEC. 4. There shall be an annual election held on the third (3d) Tuesday of March, of each year, at which the electors residing within the limits of said village, qualified to vote at town elections, may choose by ballot, and by plurality of votes, the trustees, treasurer and justices of the peace of said village. The trustees shall act as judges of election, in said village, but in case of the absence of either of them, any qualified voter of said village may be selected by the voters present to act as such judge. At all village elections held under this act, the polls shall be opened at one (1) o'clock in the afternoon, and continue opened until five (5) o'clock in the afternoon of the same day. The election shall be by ballot, and shall be conducted and governed in the same manner, as far as may be, as township elections. The village clerk shall give notice

of such elections as is provided by law for notice of town elections; *provided*, that any failure by the clerk to give such notice as aforesaid, shall not, in any manner invalidate such elections. Special meetings may be called at any time by the trustees of said village, upon the petition of twelve (12) legal voters and freeholders of said village, by giving the notice above required, stating the object of said meeting. The first election in said village under the act, shall be holden on the third (3d) Tuesday of March A. D. eighteen hundred and eighty-one (1881), and J. B. Merrill, A. D. Stephens and M. Byrne, or any two (2) of them, shall act as judges of said election, and shall give ten (10) days' notice of such election, and the place of holding the same, by posting three notices of the same in three public places in said village. They shall canvass the votes and issue certificates of election to those having the highest number of votes.

Sec. 5. Said village of Fisher and the remaining portion of the town of Fisher's Landing outside of said village, shall for general election purposes, constitute as heretofore, an election district of said Polk county, and the officers of said township shall conduct such elections and make returns thereof, as is prescribed by the general election laws of the state, and the said township of Fisher's Landing, may hold their general and township elections within the corporate limits of said village of Fisher, if such township shall desire so to do.

Sec. 6. Each elective officer before entering upon the duties of his office, and within ten (10) days after he is elected, shall take and subscribe to an oath that he will support the constitution of the United States, and of the state of Minnesota, and that he will faithfully perform the duties of his office in accordance with the law and the ordinances of said village. And in addition thereto, the treasurer, clerk, justice of the peace and marshal, shall each give a bond, with sufficient sureties to be approved by the trustees, in a sum not less than two hundred dollars (\$200), conditioned for the faithful performance of the duties of their respective offices, which bond, together with the oath of office, shall be filed with the clerk of said village. The justice of the peace, clerk and treasurer, shall respectively possess all the powers and enjoy all the rights, and be subject to all the liabilities, rules, laws and fees, as far as the same may apply, as such township officers are by the general laws of the state, and their bonds shall run to the trustees of said village and their successors in office. The marshal shall have all the powers, and perform all the duties, be under the same liabilities, and receive the same compensation for his services, as a township constable throughout his county; *provided*, that the trustees shall receive no compensation for their services. The treasurer shall receive all moneys belonging to the said village, keep a just and true account thereof, in a book to be provided by the trustees for that purpose, and shall pay out the same only upon the order of the president of the board of trustees, attested by the clerk; he shall settle with the trustees at the close of each year, and oftener if required

to do so by said trustees. It shall be the duty of the marshal to suppress all riots, disturbances and breaches of the peace, and to arrest all disorderly or drunken persons in said village, and for this purpose he shall have all the authority and power of the Sheriff of his county.

SEC. 7. A majority of the trustees shall be a quorum for the transaction of business. They shall appoint a clerk, assessor and marshal, and such other officers as may be deemed necessary, and to prescribe by by-laws, the duties of such officers, when not defined by law; the trustees may enact ordinances and by-laws for all purposes contemplated in this act, and may affix penalties for violating the same, and they shall have all the force of law, but before they shall become law, they shall be signed by the president and clerk, and be posted up in three (3) public places in said village ten (10) days, and shall be filed and recorded by the clerk. The style of all ordinances shall be, "The trustees of the village of Fisher, do ordain as follows." The trustees shall have exclusive power.

*First.* To license and regulate within the corporate limits of said village, according to law or ordinance, or both, the selling, vending or dealing in any manner in spiritous, vinous, malt, fermented or intoxicating drinks, to license and regulate the exhibition of common showmen, or shows of any kind, or the exhibition of any caravan, circus, theatrical or slight-of-hand performances; to license and regulate billiard tables, ten pins, or other ball alleys; to license and regulate auctioneers and peddlers, and venders of gunpowder, and to revoke any such at their discretion; *provided*, that in no instance shall the sum to be paid for any such license be less than the amount fixed and provided by law, when the same is established by the laws of the state; *and provided further*, that any person paying license as aforesaid, it shall not be required to pay a county license for the same. All moneys received for any such license, and from all other sources, shall be paid to the treasurer of said village.

*Second.* To restrain and prohibit every description of gaming with cards or other devices, and to authorize the destruction of all instruments used for the purpose of gaming, and to license and regulate the keeping of dogs.

*Third.* To prevent any riots or disorderly assemblages, and to suppress and restrain disorderly houses, groceries, saloons, or houses of ill-fame, and to prevent the discharging of fire-arms within the corporation limits.

*Fourth.* To direct the location and management of slaughter houses and markets, the storage of gunpowder and other combustible material, and to compel the owners or occupants of any cellar, soap factory, tannery, stable, barn, privy, sewers, or any unwholesome house or place, to cleanse, remove or abate the same.

*Fifth.* To prevent the encumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same; and to prevent racing or immoderate driving or riding on the same, also

to prevent injury to the same, or any public property in the said village.

*Sixth.* To restrain the running at large of horse, cattle, mules, swine or sheep, and to authorize the distraining, impounding and sale of the same; also to prevent the running at large of vicious dogs; to make and establish a pound and appoint a pound master. To protect shade and ornamental trees on the streets, alleys and public grounds, and to require the owner or owners of lots to set out shade or ornamental trees on the street fronting the same, and to compel the owners or occupants of buildings to remove snow, dirt or rubbish from streets, sidewalks or alleys opposite thereto.

*Seventh.* To organize fire companies and to regulate their government; to restrain drunkards, immoderate drinking or obscenity in the streets, and to punish all persons guilty of the same; to lease, purchase or erect all buildings necessary for the use of said village as a municipal corporation; to lay out, make, keep open and in repair, grade, improve, alter, vacate or discontinue roads, streets, alleys, sewers or sidewalks in said village; to examine and audit the accounts of all persons against said village; to establish and maintain pumps, cisterns, reservoirs and drains in said village, and to purchase and hold any lands necessary for the purposes herein named; to prevent the dangerous construction of chimneys, fire-places or stove-pipes and other heating apparatus, and cause the same to be repaired, removed or made safe; to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactures dangerous in causing or promoting fire within the village limits.

*Eighth.* To prevent any railroad or other company from obstructing the street crossings for a time exceeding ten (10) minutes, accidents excepted; for every such offense a fine of not more than one hundred dollars (\$100) may be imposed and collected.

SEC. 8. The trustees shall, on the annual election day, make an accurate statement of the finances of the village at that date, including all debts and liabilities, and the means and assets to discharge the same, which statement shall be read to the electors present and recorded by the clerk for the inspection of all persons.

SEC. 9. The village of Fisher shall constitute one (1) road district, and the trustees shall have power to assess every male resident of said village above the age of twenty-one (21) years and under the age of sixty (60) years, two (2) days' labor, or in lieu thereof three dollars (\$3) in money, at the option of him who is assessed, per annum, to be applied on roads, streets and alleys in said village, and all surplus funds arising from such assessments shall belong to the general village fund. The trustees shall appoint one (1) overseer of said 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 he shall return to the village clerk. The laws of the State shall apply to the warning, working, suing for and collecting highway taxes and to returning delinquent taxes, and in all other respects except as herein provid-

ed. The trustees shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him, and may also direct him to expend labor and money upon legally laid out highways outside of the limits of said corporation and within one mile thereof.

SEC. 10. Penalties and forfeitures for the violation of any of the village ordinances, shall belong to and be paid into the village treasury, and may be sued for by the trustees, the name of "the village of Fisher". The expense of opening and grading new streets, and paving, building, repairing and maintaining sidewalks on streets and alleys, may be chargeable to the lots fronting on the same, or may be paid out of the general fund in whole or in part, at the discretion of the village trustees.

SEC. 11. All property, both real and personal, in said village, except such as may be exempt by the laws of the State, or as village property, shall be subject to taxation for village purposes, not exceeding five mills upon the dollar (\$1) for any one year and such property shall also be liable for such special taxes as the trustees shall levy, pursuant to law, and the trustees may levy a tax upon the taxable property of said village, when authorized by a vote of two-thirds ( $\frac{2}{3}$ ) of those voting, not exceeding ten mills on every dollar of valuation for any one (1) year, to be used for such purpose as the voters of said village may direct.

SEC. 12. It shall be the duty of the assessor to assess all property liable to taxation within the limits of said corporation, and in the discharge of his duties he shall be governed by the laws of the State, in the same manner as township assessors.

SEC. 13. The trustees shall report to the auditor of Polk county on or before the first (1st) day of June in each year, the amount of general and special taxes levied upon any of the property or lots in said village of Fisher, and it shall be the duty of the county auditor to insert such taxes in the assessment roll of said village, and the same shall be collected by the county treasurer, or retained by him as delinquent, and all proceedings in relation thereto, including the selling, conveying and redeeming the same, shall be as in proceedings on account of other property under the laws of the State.

SEC. 14. The damage sustained by reason of the laying out, opening or altering any street, roads or alley, may be determined in the same manner as the laying out of a road in a town under the laws of the State, except the village clerk shall be substituted for the town clerk, and the trustees be substituted for the supervisors.

SEC. 15. All actions brought to recover any penalty, sum of money or forfeiture under this act, or the, ordinances and by-laws made by the trustees, shall be brought in the name of the village as incorporated, and it shall be proper to complain that the defendant is indebted for the amount of such penalty or damage, and to refer to the act or by-law under which the same is claimed, and to give special matter in evidence under it, and all civil cases

shall be under the control of the trustees and they shall have power to prosecute, defend, settle or compromise all such actions on the part of the village. In actions against such village, service of process shall be upon the president of the board of trustees, or the clerk thereof, and the village shall have all, and the same right of an appeal as individuals have.

SEC. 16. All civil actions may be commenced by said village in district court, or before a justice of the peace of Polk county, without being required to give security for cost in such actions, and in no case shall judgment be rendered against said village for costs in criminal actions, and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of said village, in an action to which the village shall be a party. Every execution issued upon any judgment therein for any penalty, or for the violation of any of the provisions of this act, or any ordinance or by-law made by virtue thereof, may contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail of Polk county, or any adjoining county, not exceeding thirty (30) days, if the judgment, including costs, shall be ten dollars (\$10) or less, and not exceeding sixty (60) days, if such judgment exceeds the sum of ten dollars (\$10), and the sheriff of said county of Polk shall receive and take charge of such persons so committed.

SEC. 17. It shall be lawful for the trustees to purchase, in the name of the said corporation, a suitable piece of land, not exceeding ten (10) acres, either within or without the limits of the village, for cemetery purposes, and may cause the same to be surveyed, and a plat thereof made and filed with the village clerk, and at the expense of said village, whenever the legal voters of said village, by vote, shall direct them so to do. They may also sell lots therein, and convey title to the same, and have the care and custody of the grounds. Deeds of lots in said cemetery shall be as other deeds of real estate, except they shall be used for cemetery purposes only, and be signed by the president of the board of trustees and the village clerk.

SEC. 18. In all respects not herein provided for, the village of Fisher shall constitute and be a part of the town of Fishers Landing in the county of Polk aforesaid.

SEC. 19. This act to take effect and be in force from and after passage.

Approved February 9th, 1881.