

CHAPTER 64.

AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF GLENCOE, IN THE COUNTY OF McLEOD, AND STATE OF MINNESOTA, BEING CHAPTER SIX (6) OF THE SPECIAL LAWS OF ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE (1873) AND THE ACTS AMENDATORY THERETO.

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

SECTION 1. That section two (2) of chapter six (6) of special laws of one thousand eight hundred and seventy-three (1873) as amended by section one (1) of chapter fifteen (15) of special laws of one thousand eight hundred and seventy-nine (1879), be and the same is hereby amended so as to read as follows:

SEC. 2. "The inhabitants of said village having the qualifications of electors of members of the legislature of the State of Minnesota may elect a president, two trustees, a treasurer, a recorder and a justice of the peace, who shall hold their respective offices for one year, or till their successors are elected and qualified: and 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 with the recorder of said village: and the treasurer, and such other officers as the village council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the village of Glencoe a bond with at least two (2) sureties, to be approved by the village council, and such bonds shall be in such amounts and contain such conditions as the village council may deem proper, and the council may, from time to time, require new or additional bonds and remove from office any officer refusing or neglecting to furnish and give the same, and a refusal or neglect to give such new or additional bond for a period of ten (10) days after being notified that such new or additional bond is required, shall be a good and legal cause for removal.

SEC. 3. "The treasurer shall receive all moneys belonging to the village, keep an accurate and detailed account thereof in such a manner as the village council shall, from time to time, direct. The treasurer shall exhibit to the village council at least fifteen (15) days before the annual election, or sooner if required by the council, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which account shall be filed with the recorder. He shall pay over all moneys and deliver all papers and property in his hands belonging to the village to his successor upon demand, after such successor is qualified according to law. He shall, from

time to time, draw from the county treasurer such moneys as have been received by the county treasurer for the use of the village and deliver proper vouchers therefor."

SEC. 4. That section three (3) of said chapter six (6) as amended by section two (2) of said chapter fifteen (15) be and the same is hereby amended so as to read as follows:

"The village council shall meet the first (1st) Tuesday after their election, and monthly thereafter. At the first (1st) meeting of said village council, or as soon thereafter as convenient, they shall appoint a village marshal; said marshal shall be chief of the police of said village, and shall hold his office for one year, or during the pleasure of the council, and shall perform such duties as shall be prescribed by the council for the preservation of the public peace, collection of tolls, license moneys and fines. The marshal of said village shall possess all the powers of constables at common law, or by the general laws of this State, and may serve and execute all warrants, summons, processes, commitments and writs whatever issued by the village justice, or any justice of said county, for any violation of the laws of the State of Minnesota, or of the ordinances or by-laws of said village, or in civil actions; and he shall have power to pursue and arrest any person fleeing from justice, in any part of the State; and when performing the duties of constable shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the peace or any violation of the laws of this State or of the ordinances or by-laws of the village, and for these purposes shall possess the powers of constables at common law while on duty.

SEC. 5. That section three (3) of said chapter fifteen (15) be and the same is hereby amended by striking out the following words at the end of the first sub-division thereof, to-wit: "For moral conduct in course of trade."

SEC. 6. That sub-division six (6), seven (7) and eight (8) of section three (3) of said chapter fifteen (15), be and the same are hereby amended so as to read as follows:

Sixth. To prevent the incumbering of the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, wagons, sleighs, boxes, lumber, firewood, posts, awnings, or any other materials or substances whatever, and to prevent all persons from riding or driving any ox, cow, horse, or mule, or any other animal on the sidewalks of said village or in any way doing any damage to such sidewalks.

Seventh. 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 in the streets or alleys, and to punish persons for leaving the same unfastened or unhitched in the streets or alleys contrary to the ordinances. To restrain the running at large of cattle, calves, horses, mules, swine, poultry and sheep, and to authorize and regulate the distraining, impounding and selling of the same, and to impose

finer and penalties on the owners of such animals for violation of the ordinances; *provided*, that before the sale thereof, a notice containing the description of such animal, and the time and place of sale, shall be served on the owner thereof, if residing in said village and known to the officer selling the same, at least five (5) days prior to sale, otherwise such notice shall be published or posted, as may be provided by ordinance; and, *provided*, such animal shall not be claimed by any person, and the damages, charges, fees and expenses of impounding, advertising and keeping the same be not paid prior to the time appointed to sell the same. They shall be sold at public auction by the marshal, or any such officer as the village council may provide, and the purchaser shall require an absolute title to the same. The village council may provide by ordinance or by-law for the assessment and appraisal of damages done to any person or property by any such horses, mules, cattle, sheep, hogs or poultry within said village, and provide for the payment and collection of the same. The village council may provide for filing or recording with the recorder, by the officer making a sale of distrained or impounded animals, a statement of such sale, which shall be preserved by the recorder and shall be *prima facie* evidence of the sale and the facts therein contained; *provided, further*, that when a sale of such animals shall be made the proceeds thereof, after deducting the damages assessed, if any, and expenses of distraining, keeping, advertising and selling such animals shall be deposited in the office of the treasurer of said village for the use and benefit of the owner thereof if called for by such owner within one year from the day of such sale.

Eighth. To restrain the running at large of dogs; to impose an annual license tax on their owners, and to authorize the destruction of dogs in a summary manner when at large contrary to the ordinances.

SEC. 7. That sub-division eleven of said section three (3) of said chapter fifteen (15), be and the same is hereby amended so as to read as follows:

Eleventh. To regulate or prohibit the carrying or wearing concealed, by any person, any dangerous or deadly weapon, and to provide for the confiscation thereof.

SEC. 8. That sub-division twenty (20) of said section three (3) of said chapter fifteen (15), be and the same is hereby amended so as to read as follows:

Twentieth. To discontinue or vacate public grounds, streets, alleys and highways within said village, and to lay out, open, widen, grade, repair, or otherwise improve and keep in repair, streets, avenues, lanes, alleys, sidewalks and public grounds in said village; to provide for the inclosing, improving and regulating of all public grounds belonging to the village, and for adorning the streets and public grounds thereof with shade trees and prevent the injury thereof.

SEC. 9. That sub-division twenty-three (23) of said section three

(3) of said chapter fifteen (15) be and the same is hereby amended so as to read as follows:

Twenty-third. To provide for the protection and preservation of all buildings, fences, and all other property belonging to said village and to punish all persons for injuring, damaging, or destroying any such property, buildings or fences.

SEC. 10. That section seven (7) of said chapter six (6) as the same is amended by section five (5) of said chapter fifteen (15) of the special laws of one thousand eight hundred and seventy-nine (1879) be and the same is hereby amended so as to read as follows, to-wit:

All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the village council present, by ayes and noes, and signed by the president or chairman, and attested by the recorder, and published once in the official paper of said village before the same shall be in force, and shall be admitted as evidence in any court of this State without further proof. Such ordinances, regulations, resolutions and by-laws shall be recorded by the village recorder in books provided for the purpose. The village council, at their first meeting after the annual election shall designate one (1) paper printed in said village as the official paper in which such ordinances and notices shall be published; and said printing may be awarded to the lowest bidder, who may be required to give bonds, to be approved by the council, for the faithful discharge of his duties; *provided*, that any and all printing other than that required to be published in a newspaper of said village may be let separately to any person who is the lowest bidder therefor, and such bidder may be required to give bonds for the faithful discharge of his duties to the satisfaction of said council. The printer or publisher of such official paper shall, *immediately after publishing any ordinance, by-law or notice required to be published in said paper, make and file with the recorder an affidavit of publication, which shall be prima facie evidence of the publication thereof; and said recorder shall thereafter note at the foot of the record of each ordinance or by-law so published the date of the publication and name of the paper in which published and sign the same, which shall be prima facie evidence that the same was duly published at the time therein noted.*

SEC. 11. That section twenty-four (24) of said chapter six (6) of the special laws of one thousand eight hundred and seventy-three (1873) be and the same is hereby amended so as to read as follows:

The village council shall have the care, supervision and control of all the highways, streets, alleys and public grounds within the limits of said village and shall have power to build and keep in repair bridges, lay out, grade, open, alter, discontinue and vacate public squares, highways, streets, lanes, alleys, and widen or straighten the same; and to take and condemn grounds for such purposes and for the sites of public buildings, subject to the assessment of damages as hereinafter *provided*; and said village council is hereby authorized to levy assessments to pay for laying out new streets

and alleys, and damages caused thereby, and for local improvements upon the property fronting upon such new streets and alleys and improvements, or upon the property to be benefited by such new streets and alleys and improvements, without regard to cash valuation. The village council shall be *ex officio* fence viewers within the limits of said village, and shall have the same powers and authority in relation to fences therein as the supervisors of towns now or hereafter may have by the general laws of this State. The council shall have power to order and contract for the opening, grading, repairing and cleaning of the streets, alleys, and public grounds, reservoirs, cisterns, gutters and sidewalks within the village, and to direct and control the persons employed thereon. It shall be the duty of the said council to appoint a suitable person to superintend all work and improvements on the streets, alleys, highways, public grounds and sidewalks of said village, and carry into effect all orders and ordinances of the village council in relation to work and improvements upon the streets, highways, alleys, public grounds and sidewalks of said village; and such person shall be known as street commissioner, and he may be required to execute a bond with sureties, satisfactory to the council, conditioned for the faithful performance of his duties, and that he will account for all moneys collected or received by him in his official capacity or belonging to the village, and his compensation shall be prescribed by said council.

It shall be lawful for the village council of said village at any time to levy a corporation poll tax upon every male inhabitant of said village, between the ages of twenty-one (21) and fifty (50) years, who is not exempt therefrom by law, and enforce the collection of said tax by ordinance and proceedings in the same or similar manner as other ordinances of said village are enforced and violations thereof punished; *provided*, that said poll tax shall not in any one year exceed the sum of three dollars (\$3.00) upon each person, or three (3) days labor.

Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village, they shall require notice to be given to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalk, to construct or reconstruct or repair the same at his or their own proper cost, expense and charges, within a certain time designated, by the publication, as the council may direct, for not less than two weeks, of such notice to said owners or occupants, setting forth what work is to be done, and the character of the same, by such owner or occupant, and the time within which they are required to do the same; *provided*, such notice may be personally served on such owners or occupants instead of such publication if so directed by said council. If such work is not done and the said sidewalks are not built or repaired in the manner and within the time prescribed in said notice, the council may order the same to be done at the expense of the lots or parcels of land adjoining said sidewalks, and

said expenses shall be assessed upon such lots and parcels of land as in case of village, county and State taxes.

If said assessment be not paid to the village treasurer on or before the third (3) Monday in August in any year, a penalty of fifteen (15) per cent. shall attach thereto, and the council shall cause a statement of the same to be transmitted to the auditor of McLeod county on or before the first (1st) day of September in each year, and said auditor shall insert the same with other taxes in the duplicate statement of the taxes annually transmitted by him to the county treasurer for collection, and payment thereof shall be enforced with and in the same manner as county and State taxes on real estate are collected and the payment thereof enforced. The said council shall estimate the said expenses and costs of constructing, reconstructing or repairing such sidewalks adjoining each lot or parcel of land within thirty (30) days after the same shall have been constructed, reconstructed or repaired by them, and deliver a copy of the same to the village treasurer for the collection as aforesaid, which shall be deemed a sufficient levy and assessment thereof, and the amount so assessed shall thereupon be a first (1st) lien on such lot or parcel of land; *Provided*, that in case such lot or parcel of land is vacant or unoccupied it shall not be necessary to demand said assessment and tax from the owner, and if the same is occupied, a demand from the occupant shall be sufficient. Said village treasurer shall, on or before the fourth (4th) Monday of August thereafter, return such statement to the village council, with his return thereon, showing the assessments that have not been paid, and the council shall thereupon transmit a statement thereof to said county auditor, as aforesaid.

SEC. 12. That section twenty-eight (28) of said chapter (6) of the laws of one thousand eight hundred and seventy-three (1873), as the same is amended by section fourteen (14) of said chapter fifteen (15) of special laws of one thousand eight hundred and seventy-nine (1879) be and the same is hereby amended so as to read as follows, to-wit:

"All property, real and personal, in said village, except such as may be exempt by the laws of this State or as village property, shall be subject to taxation: and all moneys arising from fines, commutations and licenses shall be paid into the village treasury.

The village council shall have power to levy, upon all the taxable property of said village, taxes to provide for the current expenses of the village government and police; for the opening, maintaining and improving of public grounds, and construction of buildings, and improvements of general character; *Provided*, that such taxes in no year exceed three (3) mills upon a dollar of assessed valuation.

The village council shall have power to levy a special tax upon all the taxable property in said village for the purpose of constructing and maintaining bridges and culverts, and opening, constructing, maintaining and repairing roads, highways, streets

and alleys; and for the construction of reservoirs, cisterns, sewers, drains street-gutters, and for grading streets and for other purposes conducive to good order and cleanliness, and to the protection against crime, disease, and fire; *Provided*, that such taxes shall in no year exceed five (5) mills upon a dollar of the assessed valuation.

The village council shall have power, and it shall be the duty of the village council to levy, annually upon the taxable property of said village, taxes sufficient to pay the bonds or other indebtedness due and payable in any year unless that previously to the first (1st) day of September in each year some other adequate provision has been made for the payment of the same.

Taxes may be levied by resolution of the village council, and 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, if the tax be a general tax, go into the general fund of the village; if to be a bond or interest tax, it shall be kept for the future payment of principal or interest of the same class of bonds or the purchase thereof before due; if it be for improvements, it shall be kept and used for future improvements of the same character.

The village council shall cause to be transmitted to the county auditor of McLeod county, on or before the first (1st) day of September of each year, a statement of all taxes by them levied; and such taxes shall be collected, and the payment thereof enforced with and in like manner as state and county taxes are collected and paid; and the treasurer of said county shall pay such taxes over to the village treasurer as provided by law in case of town taxes.

The village council of said village is authorized and empowered to appropriate and expend out of the general fund, or road fund of said village, such sums of money for the improvement of public highways in the town of Glencoe, leading to said village, as said village council shall determine to be necessary for the general welfare and public good of said village of Glencoe; and when necessary, to levy a tax therefor upon the taxable property of said village sufficient to pay the same; *Provided, however*, that the amount expended as herein authorized outside of said village, shall not exceed in any one year, the sum of six hundred dollars (\$600).

All moneys appropriated by said village council as provided in this section shall be expended as directed by said village council; and no moneys shall be expended for labor done upon any of said highways outside of the town of Glencoe.

SEC. 13. That section ten (10) of said chapter six (6), of the special laws of eighteen hundred and seventy-three (1873) be, and the same is hereby repealed.

SEC. 14. That section fourteen (14) of said chapter six (6) as the same is amended by section eight (8) of said chapter fifteen (15) of the special laws of eighteen hundred and seventy-

nine (1879), be, and the same is hereby amended so as to read as follows, to-wit:

The village council shall have the exclusive control of, and right to license persons vending, dealing in, or disposing of spirituous, vinous, malt or fermented liquors within the limits of said village; and persons so licensed shall not be required to obtain a license from the board of county commissioners of McLeod county; *Provided*, that no license shall be granted for less than seventy-five dollars (\$75), and that previous to the granting of any such licence, a bond in the penal sum of five hundred dollars (\$500) shall be executed to the said village with at least two (2) sureties to be approved by the said council, conditioned that the persons so licensed will not sell or otherwise dispose of spirituous, intoxicating or malt liquors at any place other than the building for which said person is licensed, nor on the sabbath, nor on any general or special election day, and that he will keep a quiet and orderly house, and not permit gambling with cards or any other device, for money or the representations of money in the house or place of business of such person, and will not sell, barter, furnish or give away such liquors to any minor person, or to any pupil or student in any public school, academy, seminary or other institution of learning, nor to any intemperate person or habitual drunkard, and will close his place of business (hotels excepted) at eleven (11) o'clock at night and keep the same closed until five (5) o'clock in the morning, and will not permit the throwing of dice or playing of cards therein at any time by a minor; and the village council shall have full power to restrain any person from vending liquors unless duly licensed by the said council; and in the matter of the prosecution for any violation of any of the provisions of this act or any ordinance or by-law of said village, it shall not be necessary to prove the name or kind of intoxicating liquors sold or disposed of: and the finding of intoxicating liquors on the premises in question shall be *prima facie* evidence of their sale on such premises; and establishing the fact of one's having drank what appeared to be intoxicating liquors on any premises shall be *prima facie* evidence that such liquor was intoxicating, and shall be taken as proof conclusive, unless defendant furnishes positive proof to the contrary; and the term intoxicating liquor, wherever it occurs in this chapter, shall be understood to mean spirituous, vinous, malt and fermented liquors.

Sec. 15. That section seventeen (17) of said chapter six (6) of the special laws of one thousand eight hundred and seventy-three (1873) be and the same is hereby amended by striking out all the following words at the end thereof, to-wit: "*Provided*, a village council is elected under the provisions of this act."

Sec. 16. That section nineteen (19) of said chapter six (6) of the special laws of one thousand eight hundred and seventy-three (1873) be and the same is hereby amended as follows, to-wit: By striking out the words, "the said board of auditors," in the first

(1st) line thereof, and inserting in lieu thereof the words "the said village council."

SEC. 17. That section twenty (20) of said chapter six (6) be and the same is hereby amended by striking out the word "board" in the first (1st) line thereof and inserting in lieu thereof the word "council."

SEC. 18. That section twenty-one (21) of said chapter six (6) be and the same is hereby amended by striking out the words "clerk of the said board," in the second (2d) line thereof, and inserting in lieu thereof the words "recorder of said village."

SEC. 19. That section twenty-two (22) of said chapter six (6) be and the same is hereby amended so as to read as follows, to-wit:

"The amount of any account audited and allowed by said council shall be paid by the village treasurer, on the order of said council signed by the president and countersigned by the recorder; and all orders so issued to any person for any sum of money due from said village shall be received in payment of village taxes of said village."

SEC. 20. That section twenty-five (25) of said chapter six (6) be and the same is hereby repealed.

SEC. 21. That section thirty-one (31) of said chapter six (6) be and the same is hereby repealed.

SEC. 22. That subdivision eighteen (18) of section three (3) of chapter fifteen (15) special laws of one thousand eight hundred and seventy-nine (1879) be and the same is hereby amended to read as follows:

"To license persons who shall offer, or cause to be offered, any goods, wares or merchandise, or other property, for sale at auction or public outcry in said village, and may charge therefor not less than five dollars (\$5), nor more than twenty-five dollars (\$25), in their discretion, for each and every day said goods, wares or merchandise, or other property, shall be offered for sale as above stated, and whoever shall offer, or cause to be offered, such property without such license, or under cover of license granted to any other person, shall forfeit one hundred dollars (\$100) to said village; but this subdivision shall not apply to the sheriff or other officer in the discharge of official duty.

SEC. 23. This act shall take effect and be in force from and after its passage.

Approved February 28, 1881.