

CHAPTER 65.

AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF JORDAN, IN THE COUNTY OF SCOTT, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF INTO ONE ACT, AND TO AMEND THE SAME.

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

SECTION 1. That chapter sixteen (16) of the special laws of one thousand eight hundred and seventy-two (1872) as amended by chapter thirty-eight (38) of the special laws of one thousand eight hundred and seventy-eight (1878), being an act to incorporate the village of Jordan, and acts amendatory thereof, be and the same are hereby amended, consolidated and incorporated into one act, as follows:

CHAPTER 1.

SEC. 1. All that part of the township of Sand Creek, in the county of Scott and State of Minnesota, included within the following described limits or boundaries, to-wit: The southeast quarter ($\frac{1}{4}$) and the northwest quarter ($\frac{1}{4}$) and the northeast quarter ($\frac{1}{4}$) of section nineteen (19), and the southwest quarter ($\frac{1}{4}$) of section eighteen (18), and the northwest quarter ($\frac{1}{4}$) of the southwest quarter ($\frac{1}{4}$) of section twenty (20), in township one hundred and fourteen (114), north of range twenty-three (23) west, shall be and the same is hereby created a village by the name and style of the "Village of Jordan," and the people who do now, or hereafter may, reside within the said village, are hereby created a corporation for municipal purposes, with perpetual succession, under the name and style of the "Village of Jordan," and as such corporation shall possess and enjoy all the powers, rights and privileges which can now or may hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of the State of Minnesota.

SEC. 2. The elective officers of said corporation shall be one (1) president, one (1) recorder, three (3) trustees, one (1) treasurer, (1) village attorney, two (2) justices of the peace and two (2) constables, and shall each, except the justices of the peace and constables, hold their respective offices for the term of one (1) year, and until their successors are elected and qualified. The justices of the peace and constables shall hold their respective offices for the term of two (2) years and until their successors are elected and qualified. In addition to the above mentioned officers, the

village council shall have power to appoint such other officers as to said village council may seem necessary.

SEC. 3. Each officer, before entering upon the duties of his office, and within ten (10) days after receiving notice of his election, shall give notice in writing of his acceptance of the same to the recorder of said village, and shall take and subscribe before some officer by law authorized to administer oaths an oath of office to support the constitution of the United States and the constitution 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, recorder, justices of the peace and constables shall each give bond in a sum not less than five hundred dollars (\$500), to be determined by the said village council, conditioned for the faithful performance of the duties of their respective offices, which bond shall be approved by the president of the village council and filed with the recorder of said village.

SEC. 4. That the president, recorder and trustees shall constitute the village council, to which body shall belong all the legislative powers granted by this act to said corporation. All actions of the village council, intended to have the force of rules or law or any authority for contract, shall be by ordinance under the style of "Be it ordained by the village council of the Village of Jordan." The village council shall meet for the transaction of business at least once in three (3) months, and a majority thereof shall be a quorum for the transaction of any business. The president, when present, shall preside at all meetings of the village council, but in case of his absence the members present shall choose one of their number to preside during his absence, but no ordinance shall be passed except by the vote of a majority of all the members of the village council. A record in book form shall be kept by the recorder, in which he shall record all the proceedings of the village council, and ayes and naves on every ordinance voted upon shall be entered therein.

SEC. 5. That to the president shall belong the executive powers granted by this act to said corporation, except such of said powers as are specially vested in or must, from their nature, necessarily pertain to the other executive officers of said corporation, and whether said officers are created by this act or by the village council. He shall have power, and it shall be his duty, to call out and use in such manner as may seem most proper all the constabulary of said corporation when he may deem it necessary to quiet or prevent riot. He shall have power to call a meeting of the village council by giving such notice thereof as may have been provided by ordinance, or in default of such provision, in such manner as he may deem meet and proper.

SEC. 6. That the recorder shall be the recording officer of said village, and the village council. He shall have the custody of all the books and records thereof not necessarily and specifically appertaining to the other officers thereof. He shall receive all moneys

payable to the said corporation, except as hereinafter provided, and shall immediately pay the same over to the treasurer, charging him therewith and taking his receipt therefor. He shall keep all the accounts of the corporation, receive all claims against the same, and draw orders upon the treasurer for moneys payable by said corporation, but no such order shall ever be drawn by said recorder unless the same shall be in full or part payment of a claim against said corporation previously audited and allowed by the village council. He shall also make to the village council at the close of each official year, a condensed report of all his doings as such officer during such year, which report shall be published in such manner and to such extent as may be provided by ordinance, and *he shall with all reasonable dispatch make such other reports and at such times as the village council shall require.*

SEC. 7. The village treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided for that purpose, and exhibit such account, together with his vouchers, to the village council, at its annual meeting, for adjustment, or at such other time as the village council may require, and shall deliver all books and property belonging to his office and the balance of all moneys in his hands, as such village treasurer, to his successor in office on demand, after such successor has qualified according to law.

SEC. 8. The village attorney shall be the legal advisor of the officers and council of the said village in matters pertaining to them or any of them whenever application therefor is made in writing signed by the applicant, which writing shall contain the points upon which said advisor is asked, and when required, opinions by him shall be made in writing; copies of which together with the original application therefor shall be preserved in his office and delivered by him to his successor in office. He shall be and act as the attorney of said village in all actions to which the village may be made a party. He shall be paid such compensation for his services as the village council shall deem proper.

SEC. 9. The justices of the peace provided for and elected under the provisions of this act, shall have and possess all the power and jurisdiction of justices provided and elected under the general laws of the State, and in addition thereto, shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty under any by-law, ordinance or regulation of said corporation, or under this act, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of assaults, batteries and affrays not indictable, and for a breach or violation of any by-law, ordinance or regulation, suit shall be commenced in the name of the village of Jordan; and the same proceedings shall be had in civil and criminal suits or prosecutions before said justices, when not otherwise herein directed 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. Appeals and change of venue may be taken, and shall be allowed upon the same terms and conditions as prescribed by the general laws of the State in relation thereto. All fines, forfeitures and penalties imposed by, or recovered before said justices of the peace, in any suit, prosecution or proceeding had and commenced in the name of the said village shall be promptly paid by justices to the recorder of said corporation for the use thereof. The justices of the peace shall take judicial notice of the by-laws, ordinances and regulations of said corporation: and it shall not be necessary in any action, civil or criminal, before said justices to plead or refer to the same in any manner whatever in any pleading or complaint, but said by-laws, ordinances and regulations shall, in said justice court, be held and deemed to be public law. The justices of the peace shall each, at least once in three (3) months make to the village council, a full report of all moneys received by him for fines, forfeitures and penalties, and shall pay them into the hands of the recorder, taking his receipt therefor. The fees of the justices of the peace of the village of Jordan shall be the same as allowed and fixed by the general laws of the state. All warrants, writs and processes of every nature, issued by such village justices, shall be directed "to the sheriff or any constable of the county of Scott, or to any constable of the village of Jordan;" and for such purpose said sheriff and constables shall have and possess the power and authority which, by the general laws of the state, they have and possess in the execution or service of warrants, writs and other processes issued by the justices of the peace elected under such general law.

SEC. 10. The constables elected under the provisions of this act shall have and possess all the powers belonging to the constables elected under the general laws of the State, and shall receive the same compensation.

SEC. 11. There shall be an annual election for the election of officers herein provided for on the first (1st) Wednesday in April in each and every year, and the polls shall be kept open from ten (10) o'clock in the forenoon until four (4) in the afternoon; and fourteen (14) days previous notice shall be given by the village council of the time and place of holding such election and the officers to be elected by posting notices thereof at three (3) of the most public places in the village or by publishing it for two (2) weeks immediately prior to said election in a paper published in said village. At the said election the trustees or any two (2) of them shall act as judges of election, and the recorder as clerk of election, and in case of inability or non-attendance of any of said officers the vacancies shall be filled by an appointment made by those officers present. At the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the judges, and the recorder shall make true record thereof, and within five (5) days thereafter he shall give notice in writing to the persons so elected of their election.

SEC. 12. Whenever a vacancy shall occur in any elective office such vacancy shall be filled by the village council. Any person appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term.

CHAPTER 2.

SECTION 1. The village council shall have the management and control of the finances and all the property of the corporation, and shall also in addition to the power herein vested in them have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules, by-laws and regulations for the government and good order of the village, for the suppression of vice and intemperance and for the prevention of crime as they shall deem expedient.

The village council shall have full power and authority to declare and impose fines, penalties and punishments and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule, by-law or regulation passed and ordained by them, and all such ordinances, rules, by-laws and regulations are hereby declared to be and have the force of law. *Provided*, that they be not repugnant to the constitution of the United States or of this State, and for the purposes aforesaid the said village council shall have authority by ordinances, rules, by-laws or regulations.

First. To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibition of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons, to grant licenses and regulate auctions and auctioneers and all persons vending or dealing in spirituous, vinous or fermented liquors.

Second. To restrain, regulate and prohibit all descriptions of gambling and fraudulent devices and practices, and all playing of cards, dice or other games of chance, and for the purpose of gaming in said village, and to regulate and restrain any persons from vending, giving or dealing in spirituous, fermented or vinous liquors unless duly licensed by the village council.

Third. To prevent any riots, noise, disturbance or disorderly assemblage within the limits of said village.

Fourth. To compel the owner or occupant of any cellar, soap factory, butcher shop, meat market, 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 said village.

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

Sixth. To prevent the encumbering of streets, sidewalks, lanes, alleys or public grounds with carriages, carts, wagons, sleighs,

boxes, lumber, firewood, posts, awnings or any other materials or substances whatever.

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 standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said village.

Eighth. To restrain the running at large of cattle, horses, swine, sheep, poultry, ducks and geese, and to authorize the distraining, impounding and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth. To prevent the running at large of dogs, and to impose a tax on the same, and to authorize the destruction of the same in a summary manner when at large contrary to the ordinance.

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 his premises any substance or putrid or unsound beef, pork, fish, hides or skins of any kind, and on default to authorize the removal thereof by some competent officer at the expense of such persons.

Eleventh. To make and establish public pounds, pumps, wells and cisterns, and to establish, construct and maintain sewers.

Twelfth. To establish and regulate boards of health and provide hospitals.

Thirteenth. To prevent all persons riding or driving any horse, ox, mule, cattle or other animals on the sidewalks in said village, or in any way doing any damage to such sidewalks, obstructing or encumbering the same.

Fourteenth. To prevent the shooting of firearms or fire-crackers and to prevent the exhibition of any fire works in any situation that may be considered by the council dangerous to the village or any property therein, or annoying any citizen thereof.

Fifteenth. To prevent and punish drunkenness or obscenity in the streets or public places or within the limits of said village.

Sixteenth. To preserve good order and the public peace and to punish any person or persons found guilty of committing any assault or battery, not indictable within the limits of said village.

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 owned or occupied by him all such substances as the board of health shall direct, and on his default to authorize the removal or destruction thereof by some officer of the village at the expense of such owner or occupant.

Eighteenth. To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Nineteenth. To remove and abate any nuisance injurious to the public health, and provide for the punishment of all persons who shall cause or maintain such nuisances.

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

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

Twenty-second. To restrain and punish mendicants, street beggars, prostitutes, and to punish all inmates and visitors of houses of ill-fame.

Twenty-third. To organize fire companies, hook and ladder companies; to regulate their government and the time and manner of their exercises; to provide all necessary apparatus for the extinguishment of fires. To require owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate and exempt from seizure, distress or sale in any manner, and if the owner shall neglect or refuse to procure suitable ladders or fire buckets after reasonable notice, the village council may procure and deliver the same to him, and in default of payment therefor, may recover of such owner the value of said ladders or fire buckets, or both, with costs of suit. To regulate and direct the safe construction of places for the deposit of ashes; to direct the fire wardens to enter into, at reasonable times and examine all dwelling houses, lots, yards, enclosures, and buildings of every description in order to discover whether any of them are in dangerous condition, and to cause such as they deem dangerous to be put in a safe condition; to regulate the manner of putting up stove pipes, to prevent fires and the use of fire works and fire arms within the limits of said village or such part thereof as they may think proper, to compel the inhabitants of said village to aid in the extinguishment of fires, to construct and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper.

Twenty-fourth. Fines, penalties and punishments imposed by the village council for the breach of any ordinance, by-law or regulation of said village may extend to a fine not exceeding one hundred dollars (\$100) or imprisonment not exceeding thirty (30) days or both, and to be fed on bread and water at the discretion of the justice, and offenders against the same may be required to give security for their good behavior and to keep the peace for a period not exceeding six (6) months in a sum not exceeding five hundred dollars (\$500).

SEC. 2. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the village council by ayes and noes and published at least once in the official paper of the village of Jordan before the same shall be in force, and shall be admitted as evidence in any court in the State with-

out further proof. They shall be recorded by the recorder in books to be provided for that purpose.

SEC. 3. The power conferred upon the village council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Gambling houses, houses of ill-fame, disorderly taverns and houses or places where spirituous, vinous or fermented liquors are sold without the license required therefor within the limits of said village are hereby declared and shall be deemed public or common nuisances.

SEC. 4. The council shall examine, audit and adjust the accounts of the recorder, treasurer, justices 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 time for which the officers of said village were elected or appointed shall have expired. And the village council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement, and if any such officer or agent shall refuse to comply with the orders of said village council in discharge of their said duties in pursuance of this section, or shall neglect or refuse to render his accounts or present his books and vouchers to said village council or a committee thereof, it shall be the duty of the village council to declare the office of such person vacant, and the village council shall order suits and proceedings at law against any officer or agent of said village who may be found delinquent or defaulting in his accounts or in the discharge of his official duties, and shall make a full record of all such settlements and adjustments.

CHAPTER 3.

SECTION 1. All actions brought to recover any penalty or forfeiture under this act or the ordinances, health or police regulations made in pursuance thereof, shall be brought in the corporate name of the village.

SEC. 2. In all prosecutions for any violation of this act or 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 of Minnesota or ordinance of the village, but the person or persons so arrested may be proceeded against, tried, convicted and punished or discharged in the same manner as if the arrest had been by warrant.

SEC. 3. The village constables are hereby vested with all the powers of a sheriff or constable elected under the general law of this State in the service of writs as granted to them by the law of the State, and may pursue into any county in this State and take and bring back for trial any offender against this act or the ordinances of said village.

SEC. 4. All ordinances and resolutions heretofore made and established by the village council of the village of Jordan, not inconsistent with the provisions of this act, shall be and remain in force until altered, modified or repealed by the village council, after this act shall take effect.

SEC. 5. When any suit or action shall be commenced against said village, the service therein shall be made by copy left with the recorder of the village.

SEC. 6. No law of this State contravening the provisions of this act shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

SEC. 7. The village council shall have the exclusive 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, and shall not be prosecuted for selling, bartering or disposing of spirituous, vinous, malt or fermented liquors, if having first obtained license therefor agreeably to the provisions of chapter sixteen (16) of the general statutes: *Provided*, that no license shall be granted for less than twenty-five (25) or more than one hundred dollars (\$100), and that previous to the granting of any such license a bond shall be executed with the same conditions and in the same penal sum as required by the general act, and the council shall have full power to restrain any person from vending liquors unless duly licensed by the village council of said village.

SEC. 8. The cost and expense of building, grading, paving or repairing sidewalks shall be, at the option of the village council, chargeable to the lots fronting on said improvement. Whenever the village council shall deem it necessary to construct or repair any sidewalk in said village, they may notify all owners and occupants of any lot or lots or parcel of land adjoining such sidewalks to construct or repair the same at his or their own proper expense and charge, within a certain time designated, by delivering to the owners or occupants of said lot or lots or parcels of land a notice in writing, setting forth what work is to be done and the character of the same by such owners or occupants, and the time within which they are required to do the same.

SEC. 9. If such work is not done and the said sidewalks not built or repaired in the manner and within the same time prescribed, the village 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 so chargeable by the village council, and returned by them; and said assessment so made and returned, if approved by the council, shall become a lien upon said lots and parcels, as in case of town, county and State taxes.

SEC. 10. The village council may prescribe the width of sidewalks, and may establish different widths in different locations, and may determine the kind of material of which they shall be con-

structed, having regard to the business and amount of travel in the vicinity of each.

SEC. 11. The village of Jordan shall constitute one or more road districts, and the highway labor and taxes shall belong to the fund; and the village council shall appoint an overseer of said road districts, and they shall issue a warrant to him containing the whole amount of labor and taxes assessed and levied in said district or districts, which said warrant shall be returned to the village recorder. The laws of the State shall apply to the warning, working and suing for, and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided, the village council shall have full power to direct the overseer when, where and how to expend such labor and tax, and to remove him, and may direct him to expend the labor in the manner to be directed by them at any point beyond the limits of said village; and the village council shall perform the duties imposed by law on the supervisors of towns in levying highway taxes, and shall be governed and restricted in the amount so levied by the same laws applicable to supervisors of towns in levying highway taxes and labors.

SEC. 12. All taxes raised within the limits of said village for building bridges or public highways, or for repairing the same, shall be expended under the direction of the village council.

SEC. 13. No moneys shall be appropriated for any special purpose whatever, except and not exceeding the sum of five hundred dollars (\$500), unless it is expressly authorized by a vote of the legal voters in said village.

SEC. 14. The legal voters of said village may, at any annual or special meeting, authorize the village council to levy a tax to build [a pound,] or to build a building or place for the confinement of persons arrested under the provisions of this act; and any such tax shall be levied and collected as prescribed by the statutes of this State for the levying and collection of township taxes.

SEC. 15. In any action brought to recover any penalty or damages under this act or under any ordinance made by the village council, it shall be sufficient to complain that the defendant is indebted to the village to the amount of said penalty or damages, and to refer to the act or ordinance under which the same is claimed, and to give the special matter in evidence under it. All civil cases shall be under the control and direction of the village council; they shall have power to settle, compromise or prosecute all such actions on the part of the village when such village shall be a party or be interested in such actions. And no person shall be an incompetent juror by reason of being an inhabitant of said village, in any action to which the village shall be a party.

SEC. 16. All moneys arising from fines, commutations, licenses, etc., shall be paid into the village treasury.

SEC. 17. In all respects not herein provided for, said village shall be and continue a part of the township of Sand Creek.

CHAPTER 4.

SECTION 1. The village council shall have power to appoint, and at their pleasure remove the following officers, to-wit: One (1) chief engineer of the fire department, two (2) fire wardens, one (1) pound master and one (1) jailor, and they may prescribe their duties and fix their compensation under the provisions of this act, and impose and enforce in law such penalties as to said village council may seem proper, for any malfeasance or improper conduct of any of said officers, and may require a bond satisfactory to themselves for the faithful performance of the duties of any of them or any such of them as may be deemed expedient and necessary by said village council.

SEC. 2. The village council shall have power to establish a prison for the use of the village of Jordan, which shall be used as a place of imprisonment, and in all cases in which imprisonment is authorized it shall be optional with the justice before whom any person is convicted to commit him to said village prison or to the county jail used by the county of Scott; in either such case the commitment shall be in the same form as nearly as may be, as is pursued under the general law in cases of convictions before justices of the peace, and the prisoner shall be received and placed in the village prison or county jail, the same as though the conviction had taken place under the general law of the State. The jailor shall receive and detain the prisoner in like manner as though he had been convicted by a justice of the peace in and for Scott county under the general law of the State.

SEC. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 4. This act is hereby declared to be a public act and need not be pleaded or proven in any court in this State.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved March 7, 1881.

CHAPTER 66.

AN ACT TO REDUCE THE LAW INCORPORATING THE VILLAGE OF KASSON, IN THE COUNTY OF DODGE, AND STATE OF MINNESOTA, AND THE SEVERAL ACTS AMENDATORY THEREOF, INTO ONE ACT, AND TO AMEND THE SAME AND TO ATTACH CERTAIN TERRITORY FOR SCHOOL PURPOSES, AND FOR THE ESTABLISHMENT AND REGULATION OF THE PUBLIC SCHOOLS THEREIN.

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

SECTION 1. That chapter eight (8) of the special laws of one thousand eight hundred and seventy-eight (1878) and chapter forty-