

CHAPTER VIII.

An Act to incorporate the Village of Chaska, in the County of Carver.

March 6, 1871.

- Section 1. Boundary lines of the Village of Chaska—incorporation of the village.*
2. Management of municipal concerns vested in a Board of Trustees—term of office—to take oath of office.
 3. Election of Justice of the Peace—term of office—jurisdiction of—to give bond.
 4. When annual election to be held—how conducted—what deemed to be perjury.
 5. Who to be Inspectors of Election at first election—vacancy in Board of Canvassers, how filled.
 6. Who entitled to compensation.
 7. Quorum of Board of Trustees—powers and duties of Marshal.
 8. Penalty for neglecting or refusing to turn over to successor in office, property, books, etc.
 9. Trustees authorized to enact ordinances and by-laws—by whom signed—further powers of Trustees.
 10. To purchase fire engines and other fire apparatus—to appoint Chief Engineer and Fire Wardens—duties of.
 11. Exemptions of firemen.
 12. May appoint special police force for extraordinary occasions—who to be Chief of Police.
 13. Expense of surveying and grading streets, etc., how paid.
 14. To constitute one or more road districts.
 15. Trustees to appoint Overseers of Highways—duties of—Trustees to levy highway taxes.
 16. All work to be given to the lowest bidder—exceptions.
 17. Property subject to taxation.
 18. Trustees to report to County Auditor the amount of general and special taxes levied—duty of County Auditor—how taxes collected.
 19. Damages for opening and laying out streets, how ascertained.
 20. How actions brought to recover penalties or damages.
 21. Before whom actions brought—qualifications of Judge, Justice, etc.—how punished for non-payment of penalties.
 22. To be considered a part of the town of Chaska.
 23. When act to take effect.

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

SECTION 1. That all the district of country known

Boundary lines
of the Village of
Chaska—Incor-
poration of said
village.

and described as the northwest ($\frac{1}{4}$) quarter, and the north half ($\frac{1}{2}$) of the northwest ($\frac{1}{4}$) quarter of the southwest ($\frac{1}{4}$) quarter of section nine in township (115) one hundred and fifteen of range (23) twenty-three west, and the east ($\frac{1}{2}$) half of the northeast ($\frac{1}{4}$) quarter, and the north ($\frac{1}{2}$) half of the northeast ($\frac{1}{4}$) quarter of the southeast ($\frac{1}{4}$) quarter of section (8) eight, in said township (115) one hundred and fifteen, and range aforesaid, shall be and the same is hereby created a village by the name of Chaska; 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 Chaska, and as such corporation shall possess and enjoy all the powers, rights and privileges which can now or hereafter be possessed and enjoyed by corporations for municipal purposes under the constitution and laws of this state.

In whom man-
agement of said
village vested—
term of office—
to take oath.

SEC. 2. The management of its municipal concerns shall be vested in five trustees, one of whom shall be selected by them as president, a clerk, treasurer and marshal, and such other officers as the trustees may create and appoint. The terms of all officers shall commence on the first Tuesday in May, and shall continue for one year, (unless elected or appointed to fill a vacancy) and until their successors are elected and qualified. All officers shall be residents of the village, and the trustees and treasurer must be freeholders thereof, and all officers shall, before entering upon the discharge of the duties of their respective offices, each take and subscribe an oath to faithfully and honestly discharge the duties of their office, which said oath of office shall be filed with the clerk of said village.

Election of Jus-
tice of the Peace
—term of office
—jurisdiction of
—to give bond.

SEC. 3. There shall also, at the first election of officers under this act, be elected by the legal voters of said village, and biennially thereafter, one village justice, who shall hold his office for the term of two years, and until his successor is elected and qualified, and shall have exclusive jurisdiction of all the judicial powers granted the said corporation by this act, except as herein otherwise provided. Such village justice shall at the time of his election, and during his term of office, be a resident of said village, and shall have and exercise all the powers and jurisdiction of, and when acting as such, receive the same compensation as justice of the peace elected under

the general laws of the state, such justice shall execute a bond for the faithful discharge of the duties of his office, which bond shall be approved by said trustees, and filed with the clerk of said village, he shall also take the same oath of office as is required of the other village officers by this act.

SEC. 4. There shall be an annual election held on the second Tuesday of May of each year, at which the electors of said village qualified to vote at town elections, may elect by ballot and by plurality of votes, the trustees, clerk, treasurer and marshal. The trustees shall give ten days' notice of the time and place of holding said election, by posting up written notices thereof, in three public places of the village, or by causing such notice to be published in one or more of the newspapers printed and published in said village; *Provided*, That the first election of officers in said village shall be held on the second Tuesday of May A. D., one thousand eight hundred and seventy-one. The elections shall be held and conducted in the same manner as town elections, and the laws of this state, applicable to elections generally, shall apply as far as consistency will admit, and the oath of a voter shall be the same as at town meetings, and false swearing shall be perjury.

Annual election when held—how conducted—what deemed perjury.

SEC. 5. That for the purpose of the first election under this act Flora Lindenfesler, Gustave Krayenbuhl and Lucien Warner shall be inspectors of election, and shall perform all the duties and possess all the powers of inspectors of election and board of canvassers, prescribed by this act; they shall appoint the place of holding the polls of such election, and post or publish notice thereof ten days before the same. At said election all the officers provided for by this act shall be elected; *Provided*, In case any of the foregoing board of canvassers should not be present or should fail to act as such inspectors, then and in that case it shall and may be lawful for the bystanders to fill any such vacancy that may occur in said board.

Who to be Inspectors of Election.

SEC. 6. No officers shall receive compensation except the treasurer, clerk, village justice and marshal, and such other officers as shall be created and appointed by the trustees; and in all cases such compensation shall be fixed by the by-laws.

What officers entitled to compensation.

SEC. 7. A majority of the trustees shall be a quorum for business, and may remove the other officers at pleas-

Quorum of Board
—duties of Marshal.

ure, and fill vacancies by appointment; and may, by by-law, prescribe the kind of security and the mode of giving the same for the other officers, and may prescribe the duties of all officers. The marshal shall have the same powers, and his duties shall be the same as a constable elected in a town, and [have] the same fees for the same kind of service.

Penalty for refusing to deliver books, etc., to successor in office.

SEC. 8. Any person having been an officer of the village who shall not, within six days after requested by his successor in office, deliver all books, papers, property or effects in his hands, pertaining to such office, or belonging to the village, shall forfeit to the use of the village one hundred dollars, and shall be also liable for all damages caused by such refusal or neglect, and such successor may recover possession of such books, papers, property or effects in the manner prescribed by the laws of this state for other officers.

By whom ordinances, etc., signed—further powers of Trustees.

SEC. 9. The trustees may enact ordinances and by-laws for all purposes contemplated by this act, and may fix penalties for violating the same, and they shall have the force of law. Before they shall become laws they shall be signed by the president and published ten days in at least one newspaper printed at Chaska aforesaid, and proof of such publication shall be filed and recorded by the clerk. They shall have exclusive power—

First.—To license common showmen, or any public exhibition, billiard tables, bowling saloons, and all persons to vend or deal in spirituous, vinous, fermented, mixed, intoxicating, or any kind of liquors or drinks, to be used or sold in the village of Chaska.

Second.—To restrain the running at large of hogs, cattle or other animals.

Third.—To prescribe what shall constitute nuisances, and provide for the removal or abatement thereof, either under the ordinances, or at common or statute law.

Fourth.—To suppress or restrain disorderly houses or groceries, or saloons, or tippling, or gambling houses, and to authorize the destruction of all instruments used for the purpose of gaming.

Fifth.—To direct the location or management of slaughter houses, markets, tanneries, the storage or keeping of gun powder, or other combustible material.

Sixth.—To compel the owner or occupant of any cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewers, or any unwholesome, nauseous house or place, to cleanse, remove or abate the same.

Seventh.—To prevent the incumbering of streets, sidewalks, lanes, public grounds and alleys, and to define the same.

Eighth.—To prosecute immoderate riding or driving on the sidewalks, and to regulate the places of bathing or swimming.

Ninth.—To prevent any damage to the sidewalks, cross walks, fences, buildings, shade or ornamental trees, or any public improvements or property in the village.

Tenth.—To establish and create pounds, pumps, water cisterns, reservoirs, drains, or ditches.

Eleventh.—To lay out, alter, open, widen, extend, establish, grade, repair, or otherwise improve or keep in repair, streets, avenues, lanes, alleys, commons, parks, sidewalks, culverts and public grounds; and they may establish and record with the clerk, grades of streets or walks, to which buildings and erections shall conform.

Further powers
of Trustees

Twelfth.—To prescribe the limits within which wooden buildings or other buildings of other materials, and not deemed to be fire-proof, may or may not be erected, placed or repaired.

Thirteenth.—To prevent the dangerous construction, placing or continuance of chimneys, fireplaces, hearthstones or stovepipes, or any pipes or instruments for the conducting of fire, heat or smoke; ovens, boilers or appurtenances; and to cause the same to be removed or made secure, and to prosecute the deposit of ashes in any unsafe place, and to regulate or prevent the carrying on of manufactories dangerous in causing or promoting fires.

Fourteenth.—The trustees shall have power to enact any other by-laws, or to do any other act necessary and proper to perform the duties contemplated by this act.

Fifteenth.—They may erect suitable buildings for village purposes.

Sixteenth.—The said village of Chaska shall have power, and they are hereby authorized, to issue bonds, with interest coupons attached, to aid in the construction of the Hastings and Dakota railroad, in a sum not exceeding the sum of fifteen thousand dollars. Said bonds so issued by said village shall be in sums of not less than one hundred dollars each, and may bear interest at a rate not exceeding seven per cent. per annum; and the principal and interest on said bonds shall be payable at such time or times, not exceeding thirty years from the date

of said bonds, as said trustees shall by resolution designate and provide; which said bonds, so issued by said village, shall be signed by the president of the board of trustees of said village and the clerk thereof, and the interest coupons attached to said bonds shall be signed by said clerk. The said trustees are hereby authorized to enter into an agreement with any company or corporation having the control of and the right to construct said railroad, in relation to the time and location thereof, interest and amount of bonds so to be issued, when to be issued and made payable, for the purpose aforesaid; *Provided*, That no agreement shall be repugnant to the provisions of this subdivision. The said trustees may, by resolution, provide for the issue of its bonds and designate the terms thereof so agreed upon, which said resolution, before the same shall take effect and be binding on said village, shall be submitted for approval to the qualified voters of said town, at any annual election therein, or said trustees may order a special election therefor. Whenever any such special election shall be so ordered, two weeks' notice thereof shall be given, in the same manner that notices of annual elections in said village are required by this act to be given, except that when any such resolution of the said trustees shall be so submitted, at either an annual or special election, the notice of such election, in either case, shall specify that such resolution, a copy thereof being thereto attached, will be so submitted. Every special election authorized by this subdivision, and so much of any annual election of said village as relates to any such resolution so submitted shall be conducted in the same manner that is prescribed by law for conducting elections for town officers in the different towns of this state, except that the ballots cast at such election shall be deposited in a box separate from any other ballots that may be cast at such election. Each elector voting at any such election in favor of any such resolution, so submitted, shall vote by ballot, having distinctly written or printed, or partly written and partly printed thereon the words, "Resolution in aid of the Hastings and Dakota railroad, Yes;" and each elector voting at any such election against any such resolution, so submitted, shall vote by ballot, having distinctly written or printed, or partly written and partly printed thereon the words, "Resolution in aid of the Hastings and Dakota railroad, No." If a majority of the

Further powers
of Trustees.

ballots cast at such election be in favor of the resolution so submitted, then the same shall take effect and be binding on said village, and the bonds of said village shall be issued in accordance therewith and the provisions of this act; but if a majority of such ballots be against such resolution, then the same shall be null and void; *Provided, however,* That if a majority of such ballots be against such resolution, so submitted, the board of trustees of said village may, in like manner, at any time or times thereafter, submit another resolution for the same purpose. For the purpose of providing for the punctual payment of the matured interest and principal of the bonds so issued by said village, a tax shall be assessed and levied each year upon the taxable property in said village, in an amount sufficient to pay all the interest and principal that will have matured and become payable before the time fixed by law for the collection of such tax for the next succeeding year, which tax shall be levied and collected at the same time and in the same manner that other taxes in said village are by law required to be levied and collected. All the proceeds of the taxes authorized by this act for the payment of the matured interest and principal of any such bonds, shall be applied to such payment, and to no other purpose.

SEC. 10 They shall have power to purchase fire engines and other fire apparatus, to organize hook and ladder and hose and fire companies, and to provide for the support and regulation thereof, and to order such companies to be discharged, and their apparatus to be delivered up; and they may appoint a chief engineer to take charge of the fire department, fire wardens to inspect chimneys and all places dangerous on account of fire, and to perform such duties as may be prescribed by by-laws, foremen and other officers of said companies; and they shall have power to compel citizens to work at fires.

To purchase fire engines and other apparatus.

SEC. 11. The members of all hook and ladder, hose, fire engine, and other fire companies, accepted by and under the control of said trustees, shall [be] exempt from serving on juries, and from doing highway labor except on property tax, so long as they shall continue active members of such fire company.

Exemptions of firemen.

SEC. 12. They may appoint any number of special constables for extraordinary occasions, and they shall constitute a village police, and shall have the usual powers

May appoint special constables—when.

and shall be under the immediate control of the marshal, who shall be chief of police, and the whole shall be under the control of, and subject to said trustees.

Expenses of surveying streets, etc., how paid.

SEC. 13. The cost and expenses of surveying the streets, lanes, alleys, sidewalks, sewers, public grounds, reservoirs, cisterns and drains, and the erection of buildings for village purposes, and of cleansing and repairing the same, and constructing and repairing reservoirs and sewers, street crossings and cross walks, may be paid out of the general fund, or reservoirs may be built by districts designated by the trustees, but the expense of opening, grading, graveling, paving or repairing streets or alleys to the centre thereof, and also of sidewalks, shall be chargeable to the lots fronting on such improvements. The trustees shall not improve streets or walks, except by a petition in writing, signed by two-thirds of the owners and occupants that are living opposite such improvements; sewers may be built, and the expenses apportioned by the trustees among the lots and parcels of land benefited thereby, all resolutions or orders directing such improvements shall be filed and recorded by the clerk.

Constituted road districts.

SEC. 14. The village of Chaska may constitute one or more road districts to be defined by the trustees, and the highway labor and taxes shall belong to the general fund, but shall be expended in the road district where the same is levied and raised.

Trustees to appoint overseers of road districts—duties of highway tax, how levied.

SEC. 15. The trustees shall appoint one overseer of each 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 shall be returned by him to the clerk of said village. The laws of the state shall apply to warning, working, suing for and collecting highway taxes, and to returning delinquent taxes, and in all other respects, except as herein expressly provided. The trustee shall have full power to direct the overseers when, where and how to expend said 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 points beyond the limits of the village. The trustees shall perform the duties imposed by law upon the supervisors of towns, in levying highway taxes, and shall be governed and restricted in the amounts so levied by the same laws, applicable to supervisors of towns in levying highway labor and taxes.

SEC. 16. All work by the village (except the highway

taxes) shall be let to the lowest bidder, and the trustees may require a bond with sureties for the faithful performance of the contract; not less than ten days' notice shall be given of the letting of the contract, by the posting of notices by the clerk in two public places in the village, to be signed by the president, and also filing said notice with the said clerk at the same time.

All work to be let to the lowest bidder.

SEC. 17. All property, real and personal, in the village, except such as may be exempt by the laws of the state, or is village property, shall be subject to taxation to an amount not exceeding the sum of one thousand dollars in each year, for general purposes, except for the purchase of fire engines or a cemetery, which is not limited; such property shall also be liable for such special taxes as the trustees shall levy. Property exempt from taxation shall be liable to assessment for building and repairing sidewalks.

What property exempt from taxation.

SEC. 18. The trustees shall report to the auditor of the county of Carver the amount of general taxes levied on the village, and the amount of special taxes levied upon any of the lots of said village, and shall certify to him the lots, or portion of the property upon which such special taxes are so levied, and it shall be the duty of the county auditor to insert so much of such taxes in the assessment roll of the town of Chaska, as is levied on property in said town respectively, and the same shall be collected by the county treasurer, or returned by him as delinquent, and all proceedings in relation thereto, including the selling, conveying and redeeming property, shall be the same as in proceedings on account of other taxes. The village shall be a town so far as the collections of taxes will admit. All residents of the village shall pay a village tax on their personal property, wherever situated, proportionally with their real estate tax.

To report to County Auditor—duty of Auditor—how taxes collected.

SEC. 19. The damages sustained by reasons of laying out, opening or altering any road, street or alley, may be agreed on in the same manner as in a town, under the laws of the state, and the state laws shall apply in all respects in relation to the release of damages, the filing thereof, or the assessing thereof by the trustees, and appealing therefrom to the county commissioners, except the village clerk is substituted for the town clerk, and the trustees for supervisors. All such damages and repairs shall be levied as a tax on the village at large.

To levy tax—for what purpose.

SEC. 20. In any action brought to recover any penalty

How actions to
be brought.

or damages, under this act, or the by-laws made by the trustees, it shall be proper to complain that the defendant is indebted for the amount of such penalty or damages, and to refer to the act or by-law under which the same is claimed, and to give the special matter in evidence under it, and all civil cases shall be under the direction and control of the trustees, and they shall have power to settle, compromise or prosecute all such actions, on the part of the village, when said village shall be a party or interested in such action.

Before whom ac-
tions brought—
qualifications—
punishment for
non-payment
of fines.

SEC. 21. Such action shall be commenced before said village justice, unless he is for some cause disqualified or unable to try the same, in which case such action may be commenced in the district court, or before any justice of the peace of the county of Carver, and no person shall be an incompetent judge, justice or juror, by reason of being an inhabitant of such village, in an action to which the village shall be a party. Every execution issued upon any judgment recovered therein for any penalty, may contain a clause directing in the event of the non-payment of the judgment, the imprisonment of the defendant in the county jail for thirty days, if the damages recovered by such judgment shall be (10) ten dollars or less, and sixty days if such damages exceed that sum, and for that purpose the village shall have the use of the jail of the county of Carver, and the persons thereto committed shall be under the charge of the sheriff of said county. All penalties and judgments shall be paid into the village treasury.

Constituted a
part of what
township.

SEC. 22. In all respects not herein provided for, the village of Chaska, shall constitute and be a part of the town of Chaska, in the county of Carver aforesaid.

When act to take
effect.

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

Approved March 6, 1871.