

the said town council of town of Duluth, and that all property and franchises to which said town council of town of Duluth has any legal or equitable title shall and is hereby declared to vest in and be the property of said city of Duluth.

SEC. 16. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved March 5, 1870.

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An Act to incorporate the City of Shakopee.

March 8, 1870.

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 3. Town Clerk to cause notices to be posted—when.
 4. Duties of Judges of Election.
 5. When Judges of Election to make corrections in poll lists.
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 8. Number of Aldermen to be elected in each ward—term of office.
 9. No informality shall in any way invalidate said election.
 10. Repeal of inconsistent acts.
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Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

SECTION 1. All the district of country in the county of Scott contained within the subdivisions and boundaries hereinafter described shall be a city by the name of the city of Shakopee, and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinafter described, shall be a municipal corporation by the name of the "city of Shakopee," and by that name shall sue and be sued, and be impleaded in any court, make and use a common seal, and alter it at pleasure, and take, hold and purchase, lease and convey, any and all such real and personal or mixed estate, as the purposes of the corporation may require, within or without the limits aforesaid; shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession.

Corporate rights.

SEC. 2. The subdivisions of land included in and constituting the city of Shakopee shall be as follows, to wit: All of section one, lots seven and eight, and the southeast quarter of southeast quarter of section two, and the north half of section twelve in township one hundred and fifteen north, of range twenty-three west; and lots three, four and five, and the southwest quarter of northeast quarter, and the southeast quarter of northwest quarter, and the south half of section six, and

City boundary.

the north one-fourth of section seven, in township one hundred and fifteen north, of range twenty-two west, in the county of Scott and state of Minnesota.

SEC. 3. The said city shall be divided into three wards, to be called first, second and third, limited, bounded and described as follows, to wit: All that part of the above described lands lying west of the centre line of Fuller street in the recorded plat of Shakopee City and lines produced northerly and southerly therefrom between the north line of section one and the south line of the north half of section twelve in said above described township and range, shall constitute the first ward. All that part of said above described lands lying east of the last described line along the centre of said Fuller street, and west of the centre line of Spencer street, in the recorded plat of Shakopee City and lines produced northerly and southerly therefrom between the north line of section one and the south line of the north one-fourth of said section seven, shall constitute the second ward. All of the first above described lands not included in the first and second wards, shall constitute the third ward.

Names of wards
—boundaries.

CHAPTER II.

SECTION 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday in April of each year, except in the year one thousand eight hundred and seventy, at such place and in each ward as the common council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five o'clock in the afternoon; and ten days previous notice shall be given by the common council, of the time and place of holding said election, and of the officers to be elected. In the year one thousand eight hundred and seventy, said election shall be held on the last Tuesday of March.

Annual election
when held—man-
ner of holding
the election.

SEC. 2. The elective officers of said city shall be a mayor, treasurer, recorder, assessor and the justices of the peace for the city, who shall [be styled] the city justices, all of which said officers shall be residents within and qualified voters of said city. Each ward shall elect three aldermen, who shall be residents within and qualified voters of the ward for which they may be elected. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the common council unless otherwise provided. At every annual election after the

Elective officers
—term of office.

first election of officers and the organization of the city government, there shall be elected for each ward one alderman who shall hold his office for three [years]. The city justices shall hold their offices two years, and until their successors shall be elected and qualified. All other elective officers shall hold their respective offices for one year, and until their successors are elected and qualified.

Officers may be removed—how.

SEC. 3. Every person appointed to any office by the common council, or elected to any office by the people, may be removed from said office by a vote of two thirds of all the aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless furnished with, a written statement of the charges against him, nor until he shall have had a reasonable opportunity to be heard in his defence. The common council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and have power to compel the attendance of witnesses and the production of books and papers, and to hear and determine the case; and if said officer shall neglect to appear and answer the charges against him, the common council may declare the office vacant.

Vacancies, how filled.

SEC. 4. Whenever a vacancy shall occur in the office of mayor or alderman by death, removal, resignation or otherwise, the common council shall have power, and it shall be their duty to declare the office vacant by resolution entered upon their minutes. Such vacancy shall be filled by a new election, which shall be ordered by the common council within ten days after said vacancy is declared, and held within twenty days after such declaration, and reasonable notice of such election shall be given. Any vacancy happening in any other office, shall be filled by the common council unless otherwise provided for. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

All elections by the people shall be by ballot—in case of a tie vote how decided.

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the cast-

ing of lots in the presence of the common council at such time and in such manner as they shall direct.

SEC. 6. All persons entitled to vote for state or county officers, and who reside in the ward where they offer to vote, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby enacted, provided their names shall have been duly inserted in the list of qualified electors of the ward in which they reside, as in the case of the election of state and county officers; and the different wards established by law shall constitute elective districts for state and county as well as city elections; and the mode of conducting all state and county elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the judges of election to the county auditor of the county of Scott, within the time and manner prescribed by law.

Qualifications
of electors.

SEC. 7. The elections in said city shall be held and conducted by the aldermen in each ward, who shall be the judges of election in their respective wards in all elections of state, county or city officers, and shall take the usual oaths or affirmations as prescribed by the general laws of the state to be taken by judges of elections, and shall have power to appoint clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties as provided for state and county elections, and vacancies among the judges thereof filled as required by the laws of this state regarding elections; *Provided*, That no alderman shall be a judge of an election at which he is a candidate for any office. In such case the office of judge of election shall be considered vacant and filled as provided by law.

Who to be judges
of election—how
elections to be
conducted. y

SEC. 8. When a city election shall be closed and the number of votes for each person voted for shall have been counted and ascertained, the said judges shall make returns thereof, stating therein the number of votes for each person for each and every officer, and shall deliver or cause to be delivered such returns to the clerk of the common council, within three days after any election, and the common council shall meet and canvass said returns and declare the result, as it appears from the same, within three days thereafter. The recorder of the common council shall forthwith notify the officer or officers elected, of their election, by written notice served upon such officers in

Judges of election
to make return to
clerk of council.

person, or left at their usual place of abode, with some person of suitable age and discretion.

Special election,
how conducted.

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the aldermen of each ward, in the same manner, and the returns thereof made in the same form and manner as in general and annual elections, and within such time as may be prescribed by resolution.

When office
deemed vacant.

SEC. 10. Any officer removing from the city or ward for which he is elected, or any officer who shall refuse or neglect, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council shall proceed to fill the vacancy as herein prescribed.

When term of
office to begin.

SEC. 11. The term of every officer elected under this law shall commence on the second Tuesday of April, of the year for which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

When council
may order new
election.

SEC. 12. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days' notice of the time and place being given.

CHAPTER III.

Officers to take
oath and give
bonds.

SECTION 1. Every person elected or appointed to any office under this act shall, before he enters upon the duties of his office; take and subscribe an oath of office, and file the same, duly certified by the officer administering the same, with the city recorder; and the treasurer, street commissioner, recorder, and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Shakopee a bond, with at least two sureties, satisfactory to the common council; and such bonds shall contain such penal sums, and such conditions as the common council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

SEC. 2. The mayor shall take care that the laws of the state and the ordinances of the city are duly observed and enforced, and that all other executive officers of the

city discharge their respective duties. He shall from time to time give the common council such information, and recommend such measures as he may deem advantageous to the city. The mayor shall be the chief executive officer and head of the police of the city, and shall appoint such police officers and watchmen, except when otherwise provided for; and in case of a riot or other disturbances, he may appoint as many special or temporary constables as he may deem necessary; and any police officer or watchman appointed by the mayor as aforesaid, may be discharged from office by him, whenever in his opinion the welfare of the city may demand it, or a reduction of their number renders it necessary. All ordinances and resolutions shall, before they take effect, be presented to the mayor, and if he approves thereof he shall sign the same, and such as he shall not sign he shall return to the common council, with his objections thereto, by depositing with the recorder to be presented to the common council at their next meeting thereafter. And upon the return of any resolution or ordinance by the mayor, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, the common council shall pass the same by a vote of two-thirds of all its members, it shall have the same effect as if approved by the mayor, and in such case the vote shall be by ayes and noes, which shall be entered in the record of the recorder. If any ordinance or resolution shall not be returned by the mayor within five days (Sundays excepted) after it shall have been presented to him, the same shall have the same effect as if approved by him.

SEC. 3. At the first meeting of the common council in each year, they shall proceed to elect by ballot from their number a president and vice president. The president shall preside over the meetings of the common council, and during the absence of the mayor from the city, or his inability, from any cause, to discharge the duties of his office, the said president shall exercise all the powers and discharge all the duties of the mayor. In case the president shall be absent at any meeting of the common council, the vice president shall act as presiding officer for the time being, and discharge the duties of said president. The president of the common council while performing the duties of mayor, shall be styled the acting mayor, and acts performed by him while acting as mayor as aforesaid, shall have the same force and validity as if

Duties of mayor.

Council to elect
presiding officer
—his duties.

performed by the mayor. The mayor and president and vice president of the common council shall have the right to administer oaths and affirmations.

SEC. 4. There shall be a recorder of said city styled the city recorder, who shall keep his office at the place of meeting of the common council, or such other place convenient thereto as the common council may determine. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the common council, at whose meetings it shall be his duty to attend. Copies of all papers filed in his office, and transcripts from all records of the common council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the treasurer in pursuance of any order or resolution of the common council, and keep a full and accurate account thereof in books provided for that purpose. The city recorder shall have power to administer oaths and affirmations. It shall be the duty of the city recorder to report to the common council, the financial condition of the city whenever the common council shall require. He shall make and keep a list of outstanding city bonds, to whom issued, for what purposes, when and where payable, and the rate of interest they respectively bear, and recommend such action to the common council as will secure the punctual payment of the principal and interest of such bonds. He shall report annually, on or about the first day of April, to the common council, an estimate of the expenses of the city, and likewise the revenue necessary to be raised for the current year, and the fiscal year shall commence on the first day of April. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work authorized by any committee of the common council or by any city officer. And every contract made in behalf of the city, or to which the city is a party, shall be void unless signed by the recorder. The city recorder shall keep regular books of account, in which he shall enter all indebtedness of the city, and which shall at all times show the precise financial condition of the city; the amount of bonds, orders, certificates, or other evidences of indebtedness, which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders, or other evidences of indebtedness of the city, and to keep accurate accounts

thereof, stating to whom and for what purpose issued, and the amount thereof; to keep accounts with all receiving and disbursing officers of the city, showing the amount they have received from the different sources of revenue, and the amount which they have disbursed under the direction of the common council. He shall keep a list of all certificates issued for work or any other purpose, and before the levy by the common council of any special tax upon the property of the city, or any part thereof, shall report to the common council a schedule of all lots or parcels of land which may be subject to the proposed special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lots or parcels of land, which said schedule shall be certified by the affidavit of the recorder, and shall be prima facie evidence of the facts therein stated, in all cases wherein the validity of such special tax or assessment shall come in question. The common council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act. If before the first day of January of any year, the amount expended or to be expended, chargeable to any city fund (adding thereto the current expenses estimated for the remainder of the fiscal year, and chargeable to such fund) shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall report at once the same to the common council; and he shall not countersign any contract chargeable to such fund until the amount or taxes actually collected be ascertained; and during the remainder of the fiscal year, he shall not countersign any contract the expenses of which shall exceed the revenue actually [collected] for the fund to which such expenses are properly chargeable. The recorder shall examine all the reports, books, papers, vouchers and accounts of the city treasurer, and from time to time shall perform such other duties as the common council may direct. All claims and demands against the city, before they are allowed by the common council, shall be audited and adjusted by the recorder, and he shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to the inspection of all parties interested. He shall not be interested directly or indirectly in any contract or job to which the city is a party or in which the city is interested; and any con-

Duties of city
recorder.

tract in which he may be interested shall be null and void.

Council to elect
city attorney—
his duties.

SEC. 5. The common council shall have power to elect an attorney for the city, who shall perform all professional services incident to his office, and when required shall furnish opinions upon any legal subject submitted to him by the common council or its committees.

Duties of city
treasurer.

SEC. 6. The treasurer shall receive all moneys belonging to the city, including license money and fines, and keep accurate and detailed account thereof, in such manner as the common council shall from time to time direct. The treasurer shall exhibit to the common council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of 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 clerk, and a copy of the same published in one or more of the city newspapers. He shall also report to the common council at such times and in such manner as they may require.

How chief of
police appointed
—his duties.

SEC. 7. There shall be a chief of police of said city, who shall be appointed by the mayor by and with the consent of the common council, and who shall perform such duties as shall be prescribed by the common council, for the preservation of the public peace; and said officer shall be ex officio street commissioner. All police of said city shall possess the powers of constables at common law or by the laws of this state, and it shall be their duty to execute and serve all warrants, process, commitments, and all writs whatsoever issued by the city justices for any violation of the laws of the state of Minnesota, or of the ordinances or by-laws of said city; and also all writs and process whatsoever issued by the city justices in civil actions; and they shall have authority to pursue and arrest any person fleeing from justice in any part of this state, and when performing the duties of constable aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of peace or of any violation of the laws of this state, or of the ordinances or by-laws of the city; and for these purposes shall possess the powers of constables at common law, while on duty.

SEC. 8. It shall be the duty of the street commissioner to superintend all work and improvements on the streets, bridges and public grounds of the city, and carry into

effect all orders and ordinances of the common council in relation to work or improvements upon the streets, roads, bridges and public grounds of the city, and he may be required to execute a bond, with sureties satisfactory to the common council, conditioned for the faithful performance of his duties, and that he will account for moneys collected or received by him in his official capacity, or belonging to the city.

Duties of street commissioner—to give bonds.

SEC. 9. The common council shall, in the month of April, in each year, elect an assessor, who shall perform all the duties in relation to the assessing of property for the purpose of levying of all city, county and state taxes, and upon the completion of the assessment roll, he shall return the same to the common council, who may alter, revise and equalize the same, as they may deem it just and proper, and said assessment as revised and equalized by the common council shall be final, subject only to the revision of the state board of equalization. Said city assessor shall hold his office for one year, and until his successor is elected and qualified.

Duties of assessor—term of office.

SEC. 10. The justices of the peace for the city styled the city justices, shall possess all the authority, power and rights of a justice of the peace of the county of Scott, under the laws of this state, and shall have in addition thereto, exclusive jurisdiction to hear and try all complaints, for violation of any provision or provisions of the city charter, or any ordinance, by-law, rule or regulation made or adopted under or by virtue thereof, and of all cases cognizable before a justice of the peace in which the city is a party, and of all writs, prosecutions and proceedings in the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said city or its charter, and in all cases of offences committed against the same. And the said city justices shall have jurisdiction in cases of larceny and may hear and try the same where the amount claimed to have been stolen, does not exceed the sum of twenty-five dollars. In all prosecutions for assaults, batteries and affrays and for all other offenses not indictable, and in all civil suits or proceedings before said city justices, the same forms and proceedings shall be had and used, where not otherwise directed, as are established and required to be had in civil and criminal actions by the laws of this state before a justice of the peace; and appeals from the judgment and decisions of said city justices shall be allowed as provided by law for

Duties of city justices—when no appeal allowed.

appeals from judgment rendered by justices of the peace. In all cases of convictions for assaults, batteries and affrays within said city, and in all cases of conviction under any ordinances of the city, for breach of the peace, disorderly conduct, keeping houses of ill-fame, or frequenting the same, and of keeping and maintaining ill-governed houses, the said justices shall have power, in addition to the fines or penalty imposed, to compel said offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said justices shall have the same power and authority in case of contempt as a justice of the peace under laws now in force. All fines and penalties imposed by the city justices for offences against the laws of this state, or for the violation of any ordinance, by-law or regulation of said city, shall belong to and be a part of the finances of said city.

To make report;
—what to contain
—fees.

SEC. 11. The city justice shall, as often as the common council may require, report to the common council all the proceedings instituted before them in which the city is interested, and shall at the same time account for and pay over to the city treasurer all fines and penalties collected or received by them belonging to said city; and said justices shall be entitled to receive from the county of Scott such fees in criminal cases as are allowed by statute to justices of the peace for similar services.

When to be in
attendance at
their offices.

SEC. 12. Said justices shall be in attendance at their offices for the transaction of business at such reasonable hours as the common council may prescribe, and complaints may be made to and writs and process issued by them at all times in court or otherwise.

Tax authorized
to be imposed—
for what purpose.

SEC. 13. In all suits brought on behalf of said city for the recovery of any forfeiture, fine or penalty, in all cases arising on complaints for the violation of any ordinance, by-law or regulation of said city, and on complaints for assault, battery or affray or other misdemeanor, or criminal offence, not indictable, committed within said city, the said justices shall be authorized to tax, with the other legal costs, one dollar for each trial for the benefit of said city, and their residence in said city shall not deprive them of jurisdiction of actions brought in favor of or against said city, when said actions are otherwise within the jurisdiction of a justice of the peace; *Provided*, That said fee of one dollar shall not be collected from the county of Scott or city of Shakopee.

SEC. 14. The common council, at their first meeting in each year, or as soon thereafter as may be, may elect a city surveyor, who shall be a practical surveyor and engineer. He shall keep his office in some convenient place in said city, and the common council shall prescribe his duties, and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city shall be the property of the said city, and shall be carefully preserved in the office of the surveyor, open to the inspection of persons interested; and the same, together with all the books and papers appertaining to said office, shall be delivered over by the surveyor, at the expiration of his term of office, to his successor, or to the common council.

Council to elect city surveyor—to prescribe his duties and fix compensation.

SEC. 15. The common council, at their first meeting after each annual election, or as soon thereafter as may be, shall advertise for proposals to do the city printing, giving public notice of not less than one week, in such manner as the council may direct, that sealed bids will be received by the recorder of the common council, for doing said printing. The bid or bids received by the clerk to do said printing, shall be publicly opened and read by the recorder, at such time and place, as the common council shall appoint, and the person or persons offering to do said printing for the lowest sum or price, in any newspaper published in said city, and shall give satisfactory security for the performance of the work, shall be declared the city printer for the ensuing year, and in the newspaper designated in said accepted bid or proposal, shall be published all ordinances, by-laws and other proceedings and matters required by this act or by the by-laws or ordinances of the common council to be published in a public newspaper. The city printer or printers, immediately after the publication of any notice, ordinance or resolution which is required to be published, shall file with the city recorder a copy of such publication, with his affidavit, or the affidavit of his or their foreman, of the length of time the same has been published; and such affidavit shall be *prima facie* evidence of the publication of such notice, ordinance or resolution. *Provided*, That if no person will publish or offer to publish in any newspaper published in said city, such ordinances or other matters as the common council may require to be published, at a rate not exceeding that now prescribed by statute for legal advertisements or notices, the common council may make such

Printing given to lowest bidder—what to be evidence of publication, &c.

other provision for publishing its ordinances, by-laws and matters requiring publication, as it may think fit, anything herein contained to the contrary notwithstanding.

SEC. 16. If any person, having been an officer of said city, shall not, within ten days after notification and request, deliver to his successor in office all property, books, papers and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city one thousand dollars, besides all damages caused by his neglect or his refusal so to deliver; and said successor may receive possession of such books, papers and effects in the manner prescribed by the laws of this state.

Penalty for refusing to deliver property, &c., to successor.

SEC. 17. The common council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties, unless otherwise provided for; but no officer elected or appointed by the common council, or appointed by the mayor, as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed, and duly qualified. The common council shall have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; and such compensation shall be fixed by resolution; and in regard to all offices created by this charter, the compensation shall be fixed within three months from the first organization and meeting of the common council, and the compensation so fixed shall not be changed previous to the annual city election in eighteen hundred and seventy-one, and after the present year, the compensation of officers shall be fixed for the fiscal year in the month of April of each year, except for such offices as may hereafter be created, in regard to which the compensation shall be fixed at the time of the creation of such officer, nor shall the compensation of any officer, after having been fixed, be increased or diminished during the term for which such officer was elected or appointed. No officer elected or appointed to office under the provisions of this charter, shall be a party to or interested in any contract in which the city is interested, made while such officer is holding office. *Provided*, That the mayor and aldermen shall receive no compensation for their services as such officers.

Further powers of council.

SEC. 18. The mayor or acting mayor, chief of police, sheriff of the county of Scott, or his deputy or deputies, coroner, and each alderman, the city justices, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner, all rioting and disorderly behavior within the limits of the city, and for such purposes may command the assistance of the bystanders; and if any person, bystander, military officer or private, shall refuse in aiding to maintain the peace when so required, each person shall forfeit and pay a fine of fifty dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present in the order mentioned in this section, shall direct the proceedings.

Who deemed to be officers of the peace.

CHAPTER IV.

SECTION 1. The aldermen shall constitute the common council, and the style of all ordinances shall be: "The common council of the city of Shakopee do ordain, &c." The common council shall meet at such time and place as they by resolution may direct. A majority of the aldermen shall constitute a quorum.

Style of ordinances—when and where to meet—quorum.

SEC. 2. The common council shall hold stated meetings, and the mayor may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode. The common council shall be the judges of the election and qualification of its own members, and in such cases shall have power to send for persons and papers, and shall also determine the rules of its own proceedings, and have power to compel the attendance of absent members.

Stated meetings—special meetings—how called—qualifications.

SEC. 3. The common council shall [have] the management and control of the finances, and all the property of the city, and shall likewise, 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, by-laws, rules and regulations for the government and good order of the city, for the suppression of vice and intemperance, for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison; *Provided*, That until otherwise ordered by the common council, the county jail of Scott county shall be used as a city prison and it shall be the duty of the sheriff

Council to control finances—further powers.

or jailer of Scott county, to take into custody and safely keep in said jail all persons committed thereto until discharged according to law. The common council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, or by-law passed or ordained by them; and all such ordinances, rules and by-laws are hereby declared to have all force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States or of this State; and for these purposes shall have authority by ordinance, resolution or by-laws—

Powers of council.

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 to and regulate auctions and auctioneers, to license tavern keepers and victualing house keepers, and all persons dealing in spirituous, vinous or fermented liquors; *Provided*, That all licenses for so dealing in spirituous, vinous or fermented liquors shall not be less than twenty-five dollars a year, and no license shall be granted for a less term than one year, and all licenses shall commence and terminate on the first day of May of each year. *And provided further*, Such common council shall have the exclusive right to license all billiard tables and saloons wherein spirituous, vinous or fermented liquors are sold within said city.

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

Third.—To prevent any riots, disorderly assemblages in said city, and to provide for the arrest of and punishment of any person or persons who shall be guilty of the same; to suppress disorderly houses and houses of ill-fame, and to provide for the arrest and punishment of keepers thereof, and to authorize the seizure and destruction of all instruments used for the purpose of gambling.

Fourth.—To compel the owner of any cellar, tallow-chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome structure or place, to cleanse,

remove or abate the same from time to time, as often as may [be] deemed necessary for the health, comfort and convenience of the inhabitants of said city.

Fifth.—To direct the location and management of slaughter-houses and markets, breweries and distilleries and to establish rates for, and license venders of gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth.—To prevent the encumbering of streets, sidewalks, alleys, lanes, and public grounds with carriages, carts, wagons, sleighs, or other vehicles, or with boxes, lumber, firewood, posts, awnings, or any other material or substance whatever.

Seventh.—To prevent and punish immoderate driving or riding in the streets; to regulate the speed of cars and locomotives in said city, to prevent their obstructing the streets of said city, 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 the city.

Powers of coun-
cil.

Eighth.—To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties upon the owners of such animals for violation of the ordinance.

Ninth.—To prevent the running at large of dogs, and may impose a tax on 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 city, 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 such substances; or any putrid or unsound meat, flesh or fish, or hides or skins of any kind; and to authorize the removal of the same at the expense of the owners.

Eleventh.—To establish and construct public pounds, pumps, wells, cisterns, reservoirs and hydrants, to erect lamps and provide for the lighting of the city, and to control the erection of gas-works or other works, for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts, to regulate and license hacks, carts, omnibuses, and the charges of hackmen, cabmen and omnibus drivers in the city.

Twelfth.—To establish and regulate boards of health, provide hospitals and hospital grounds, and the registration

of births and deaths and the returns of bills of mortality, and to regulate or prevent, if deemed expedient, the burial of the dead within the city limits.

Thirteenth.—To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth.—To prevent all persons riding or driving any horse, mule or ox, or other animal on the sidewalks in said city, or in any way doing any damages to said sidewalks.

Fifteenth.—To prevent the discharging of firearms or crackers, and to prevent the exhibition of any fireworks in any situation which may be considered dangerous by the common council to the city, or any property therein, or annoying to any of the citizens thereof.

Sixteenth.—To prevent open and notorious drunkenness, brawling and obscenity in the streets or public places of the city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Powers of council.

Seventeenth.—To restrain and regulate parties, runners, agents and solicitors for boats, vessels, stages, cars and public houses or other establishments.

Eighteenth.—To establish public markets or other public buildings, and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth.—To license and regulate butcher shops and stands for the sale of game, poultry, butchers' meats, butter, fish and other provisions.

Twentieth.—To regulate the place and manner of weighing and selling hay, and the measuring and selling of firewood, coal, peat and lime, and to appoint suitable persons to superintend and conduct the same.

Twenty-first.—To compel the owner and 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 in his default to authorize the removal or destruction thereof, by some officer at the expense of such owner or occupant.

Twenty-second.—To regulate, control and prevent the landing of persons from boats, vessels or other conveyan-

ces whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of the city.

Twenty-third.—To regulate the time, manner and place of holding public auctions and vendues.

Twenty-fourth.—To provide for watchmen, and to prescribe their number and duties, and regulate the same; and to create and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-fifth.—To provide by ordinance for a standard of weights and measures; for the appointment of a city sealer, and to require all weights and measures to be sealed by the city sealer, and to provide for the punishment of false weights and measures.

Twenty-sixth.—To regulate the inspection of flour, pork, beef, fish, salt, whisky and other liquors and provisions; and to appoint inspectors, measurers, weighers and gaugers; to regulate their duties and prescribe their compensation. Powers of council.

Twenty-seventh.—To direct and regulate the planting and preservation of ornamental trees in the streets, alleys, highways and public grounds of the city and prevent the injuring thereof.

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

Twenty-ninth.—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds and highways of the city, and to designate the place and manner of holding and conducting public stock fairs.

Thirtieth.—To do all acts and make all regulations which may be necessary or expedient for the preservation of health or the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within the city.

Thirty-first.—To restrain and punish vagrants, mendicants, street-beggars and provide for the punishment of the same.

Thirty-second.—Fines, penalties and punishments imposed by the common council for breach of any ordinance, by-law or regulation of the said city, may extend to a fine

not exceeding one hundred dollars and imprisonment in the city prison or county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the city 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 months, and in a sum not exceeding five hundred dollars.

SEC. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the common council present by ayes and noes, and published in the official paper before the same shall be in force, and shall be admitted as evidence in any court in the state, without further proof; they shall be recorded by the city recorder in books provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the common council present in its favor, which vote shall be taken by ayes and noes, and entered among the proceedings of the council.

SEC. 5. The powers conferred upon the common 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.

SEC. 6. The common council shall examine, audit, and adjust the accounts of the recorder, treasurer, street commissioner, city justices, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the terms for which the officers of said city were elected or appointed shall have expired. And the common council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said council in the discharge of their said duties, in pursuance of this section, or shall neglect or refuse to render his account or present his books and vouchers to the council, or a committee thereof, it shall be the duty of the common council to declare the office of such person vacant. And the common council shall institute suits and proceedings at law against any officer and agent of said city, 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 settlement and adjustment.

SEC. 7. The common council may, during their fiscal year, by a vote of two thirds of those present and voting,

Ordinances how passed—when used as evidence.

Nuisances.

Council to adjust accounts—penalty for violating provisions of this act.

issue the bonds of said city, bearing interest not exceeding ten per cent. per annum, and for a time not exceeding one year, in such amounts and under such regulations as the common council may prescribe, in anticipation of the taxes and revenues of such fiscal year; *Provided*, That the amount of such bonds outstanding shall not at any one time exceed one-third of such taxes and revenues; *And provided*, That said bonds or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may have been issued.

May issue bonds
—rate of interest.

CHAPTER V.

SECTION 1. The common council shall have power to levy upon all the taxable property of said city, taxes to provide for the current expenses of the city government and police, for the opening, maintaining and improvement of public grounds and the construction of buildings and improvements of a general character; *Provided*, That such taxes shall in no year exceed three mills upon a dollar of the assessed valuation.

May levy a tax
for support of
city government.

SEC. 2. The common council shall have power to levy a special tax upon all the taxable property in the city, or of the different wards of the same, for the purpose of constructing, maintaining bridges, culverts, and opening, constructing, maintaining and repairing roads, highways, streets and alleys; for the construction of reservoirs, cisterns, sewers, drains and street gutters, and grading of streets, and for other purposes, conducive to good order and cleanliness, and to protection against crime, disease and fire; *Provided*, That such taxes shall in no year exceed two mills upon a dollar of the assessed valuation. *And provided further*, That for the improvement in this section mentioned, the common council shall have power to assess the tax, to pay the same upon the ward or wards benefited by such improvements, in such manner and to such extent as the common council may think just and equitable. The tax shall be apportioned upon a cash valuation of the property, which it shall be determined is liable to assessment for such improvements. No debt shall be incurred or created by the city, the common council, or any officer of the city, except pursuant to the authority herein expressly given for that purpose; and no order or orders shall be issued upon the city treasury ex-

May levy ward
tax—disposition
of proceeds.

ceeding the amount of tax collected or assessed and in process of collection.

To levy annual tax—for what purpose.

SEC. 3. The common council shall have power, and it shall be the duty of the common council, to levy annually, upon the taxable property of said city, taxes sufficient to pay all bonds or other indebtedness due and payable in any year; and the interest on bonds or other indebtedness due or payable in any year unless that previously to the first day of September in each year, some other adequate provision has been made for the payment of the same. The common council shall have the power to issue bonds and levy taxes exceeding the amount authorized by other sections of this act; *Provided*, That the same be authorized by a majority of the voters present and voting at an election held for that purpose. The time, place and manner of holding such election to be prescribed by the common council, the same notice to be given as at other elections.

How taxes to be levied.

SEC. 4. Taxes may be levied by resolution of the common 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 a 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 city, if it be a bond or interest tax, it shall be kept and used 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.

When to transmit statement of taxes levied.

SEC. 5. The common council shall cause to be transmitted to the county auditor of Scott county on or before the first 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 paid and the payment thereof enforced, and the county treasurer of said county shall pay such taxes over as now provided by law in case of town taxes, to the treasurer of said city.

How orders may be drawn upon the treasury.

SEC. 6. No moneys shall [be] paid out of the city treasury unless such payment be authorized by a vote of the common council, and these shall be drawn out only upon orders by the mayor and countersigned by the recorder, which orders shall specify the purpose for which they were drawn, and the fund out of which they are payable, and

the name of the person in whose favor the same are drawn, and may be made payable to the order of such person or to the bearer, as the common council may determine.

SEC. 7. When any such order shall have been paid or received by the treasurer, it shall not again be issued, but he shall immediately endorse date of payment thereon, sign his name thereto, and when delivered to the recorder, he shall receive credit therefor.

Disposition of orders received by treasurer.

SEC. 8. It shall be lawful for the common council of said city, at any time, to levy a corporation poll tax upon every qualified voter in said city, exempting all over the age of sixty years. *Provided*, That said tax shall not in any one year exceed the sum of two dollars on each person.

To levy poll tax.

CHAPTER VI.

SECTION 1. The common council of said city shall have the care, supervision and control of all the highways, bridges, streets, alleys, levees, public squares and grounds within the limits of the city, and shall have power to build and keep in repair bridges; lay out, open, alter and vacate public squares, highways, streets, lanes and alleys, and widen and straighten the same, and to take grounds for the site of public buildings, subject to the assessment of damages as hereinafter provided. *Provided*, That no right, title or interest in or to any street, levee, park, public grounds or square in said city, shall be granted, conveyed, released or discharged by the common council of said city unless the same shall be submitted to a vote of the legal voters of said city and receive a majority of said voters present and voting at an annual or special election in said city and in which election notice of the object of said election shall be given as hereinbefore prescribed.

Council to control highways.

SEC. 2. The common council shall have power to order and contract for the opening, grading, repairing and cleansing of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers, and sidewalks within the city, and to direct and control the persons employed thereon; and all such improvements shall be superintended by the street commissioner.

Council to contract for grading and cleaning streets.

SEC. 3. Whenever it shall be necessary to take private property for the purposes contemplated in [the] two last sections, application shall be made on the part of the com-

mon council to the judge of the district court for Scott county, who shall appoint three commissioners, who shall be freeholders and qualified electors of the city, and one of whom at least shall be resident of the ward in which is situated the property proposed to be taken, to view the premises, and assess the damages which may be occasioned by the taking of such property. Said commissioners shall be notified, as soon as practicable, by the city recorder, to attend at his office on a day fixed by him, for the purpose of qualifying and entering upon their duties; and in case any such commissioner, upon being so notified, shall neglect or refuse to attend as aforesaid, he shall forfeit and pay to the city a fine not exceeding fifty dollars, and may be prosecuted therefor before the city justice, as in the case of fines imposed for the violation of any city ordinance, by-law or regulation; and the commissioners in attendance shall be authorized to fill all vacancies by the election of a proper person or persons, or application may be made to the district judge aforesaid, to fill the vacancy. The commissioners shall be sworn by the city recorder or any other officer authorized to administer oaths, to discharge their duties as commissioners in the matter, with impartiality and fidelity, and to make due returns of their actions and doings to the common council, which said oath shall be reduced to writing and subscribed by said commissioners, and which, together with the appointments of said commissioners (which shall also be in writing) shall be filed with the city recorder. The said commissioners shall, with all reasonable dispatch, with the assistance of the city surveyor cause a survey and plat of the said improvements or grounds, to be made and filed with the city recorder, exhibiting as far as practicable, the land or parcels of property proposed to be taken, or which may be damaged thereby, and shall thereupon fix a time and place when they will meet to assess the damages for the property to be taken, or that may be damaged by the proposed improvement. Such time shall be sufficient to give personal notice to the owners (or their agents), of the property to be taken or injured; the recorder of the common council shall thereupon immediately cause a notice in writing of the time, place, and purpose of the meeting of the commissioners, to be served on each of the owners (or their agents) of said property, and proof of service shall be made and filed with the report of the commissioners. In case any of such owners are non-residents of the state,

How private
property may be
taken.

such notice shall be mailed to them at their residence, and if their residence is unknown, and cannot be ascertained upon diligent inquiry, such fact must appear by affidavit, and in such case notice shall be given by publication in the city paper for the space of four weeks, said notice to be published at least once in a week. If such owners are infants, a guardian must be appointed before the damages are assessed, and notice given to the guardian. And the like notice shall be served upon lessees, mortgagees and judgment creditors. At the time and place designated in such notice, the commissioners shall proceed to view the premises, may hear any evidence offered by the parties interested, and adjourn from day to day for said purpose. When their said hearing aforesaid shall be concluded, they shall determine and assess the damages to be paid to the owner or owners of each parcel of property proposed to be taken or which may be damaged by such improvement, and in so doing shall take into consideration the value of the property proposed to be taken, and such other damages as may be incidental thereto, and also the advantages which shall accrue to such owner or owners in making such improvement. If there should be any building standing in whole or in part upon the land to be taken, the said commissioners shall in each case determine the amount of damages which should be paid to the owner or owners thereof, in case such building or as much thereof as might be necessary, should be taken, and also determine and assess the damages which should be paid to such owner or owners in case he or they should elect to remove such building, and the damages in relation to buildings shall be assessed separately from the damages in relation to land upon which they are erected. If the land and buildings belong to different persons, or if the land be subject to lease, mortgage, judgment or other lien, or if there be any estate in it less than an estate in fee, the injury or damage done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefit resulting to them from the improvements. Said commissioners having ascertained and assessed the damages as aforesaid, shall make and file with the city clerk, a written report to the common council, of their action in the premises, embracing a schedule or assessment of the damages in each case, with a description of the land and the names of the owners, it known to them, and also a statement of the costs of the proceedings. Upon such report being filed in

How private
property may be
taken.

the office of the city recorder, said city shall cause to be published in the official paper of said city, a notice to the effect that said assessment had been returned and filed, and that the same will be confirmed by the common council, at a meeting then to be named in said notice, and shall be at least ten days after the publication thereof, unless objections are made in writing, by persons interested in any lands required to be taken. Any persons interested in buildings, in whole or in part, upon land to be taken, shall, on or before the time specified in said notice, notify the common council in writing, of their election to remove said buildings (if they so elect) according to the award of the commissioners. The common council, upon the day fixed for the consideration of said report, or at any subsequent meeting to be held, the same may stand over or be referred, shall have power in their discretion, to confirm, revise, or annul the assessment, and to discontinue or postpone indefinitely the whole proceedings, giving due consideration to the claims and objections interposed by the parties interested. The damages assessed shall be paid or tendered, or deposited and set apart in the city treasury, to and for the use of the parties entitled thereto, within one year from the confirmation of said assessment and report, and the land required to be taken shall not be appropriated or used by the public until the damages assessed therefor to the owner thereof, shall be paid or tendered to the owner or his agent, or deposited and set apart for his use as aforesaid; and in case the said city shall be unable to determine to whom the damages in any particular case so awarded should be paid, or in case of disputed claims in relation thereto, the damages in such case may be deposited, by order of the common council, in the district court of Scott county, in the same manner as moneys are paid into court until claimants and parties shall substantiate their claims thereto. In case the owner or owners of any building as aforesaid, shall have elected in the manner aforesaid to remove his or their buildings, he or they shall so remove the same within thirty days from the confirmation of such report, or within such further time as the common council may allow for such purpose, and shall thereupon be entitled to payment from the city of the amount of damages awarded in such case, in case of removal. When such person or persons shall not have elected to remove such buildings, or shall have neglected (after such election), to remove the same, within the time

How private
property may be
taken.

prescribed, such buildings, or so much thereof as may be necessary, upon payment or depositing the damages awarded for taking, in manner aforesaid, may then be taken and appropriated, sold or disposed of, in such manner as the common council shall direct, and the same, or the proceeds thereof, shall belong to the city. When any known owner of the lands or tenements, affected by the proceedings under this act, shall be an infant, or labor under any legal disability, the judge of the district court or court commissioner for said county of Scott, may, upon the application of the aforesaid commissioners, or of the mayor of the city, or of the party laboring under such disability, or his next friend, appoint a suitable person as guardian for said person, which guardian shall stand in all respects for and in the place of the party whom he represents in the proceedings. Any person feeling aggrieved by such assessments, may, by notice in writing, served on the mayor of said city, a copy whereof, with proof of service, shall be filed in the office of the clerk of the district court in said Scott county, within twenty days after the confirmation of such report or assessment of damages, appeal from such assessment to the district court aforesaid. Such appeal shall be tried by the court or jury, or both, as in ordinary cases; but no pleadings shall be required, and the party appealing shall specify, in the notice of appeal, the grounds of objection to such assessment, and shall not be entitled to have any other objections than those so specified, considered, and a transcript of such report, certified by the city clerk, or the original thereof, shall be prima facie evidence of the facts therein stated, and that said assessment was regular and just, and made in conformity to law, and that all proper notices were given and proper proceedings had. The judgment of the district court thereon shall be final. Such appeal shall be entered and brought on for trial and be governed by the same rules in other respects as appeals from justices of the peace in civil actions. And the property shall not be taken until said appeal is heard and determined.

How private property may be taken.

CHAPTER VII.

SECTION 1. The common council, for the purpose of guarding against the calamities of fires shall have power to prescribe the limits within which wooden buildings or other buildings, the material or construction of which shall be

Council to pre-
scribe fire limits.

regarded as dangerous to surrounding property shall not hereafter be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed, shall hereafter be built and constructed in such manner and of such material, as in the judgment of the common council shall not be dangerous to surrounding property, and to prohibit the repairing or rebuilding of wooden buildings within the fire limits, when the same shall have been damaged by fire or otherwise, to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damages. The common council shall have power, by resolution, to order any building, structure, or materials therefor, hereafter erected, or in process of erection, of which the construction or material may be dangerous to surrounding property, to be taken down or removed beyond the fire limits of the city, and shall have power to prescribe the notice to be given to the owner or agent to remove such building, and in case the same is not removed in pursuance of the notice given to order the same taken down, removed by the police, or in such manner as the common council may see fit; and the common council may prescribe penalties for the violation of any of the provisions of this section, or of any ordinance made or enacted to carry out the provisions thereof, not exceeding one hundred dollars, which may be imposed by a city justice, upon the complaint of any citizen.

To prevent dan-
gerous erection of
chimneys, &c.

SEC. 2. The common council shall have power to prevent the dangerous construction and condition of chimneys, fire places, hearths, stoves, stovepipes, ovens, boilers and apparatus used in and about any building, and to cause the same to be removed, or placed in a safe or secure condition, when considered dangerous. To prevent the deposit of ashes in unsafe places, and the throwing of ashes into the streets and alleys. To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe, and to regulate the use of them in time of fires. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires. To regulate and prevent the use of fire arms and fire-works. To compel owners or occupants of buildings, to have scuttles in the roofs, and stairs or ladders to the same. To authorize the mayor, aldermen, fire wardens and other officers of the city to keep away from the vicinity of any fire, all idle and suspected persons, and to compel all bystanders to aid in the extinguishment of fires and the

preservation of property exposed to danger thereat, and generally to establish such regulations for the prevention and extinguishment of fires as the common council may deem expedient.

SEC. 3. Whenever any person shall refuse to obey any lawful order of any engineer, fire warden, mayor or alderman, at any fire, it shall be lawful for the officer giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen, to arrest such person, and to confine him temporarily in any safe place, until such fire shall be extinguished; and in the same manner such officers, or any of them, may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing to obey, shall be liable to such penalty as the common council may prescribe, not exceeding a fine of fifty dollars.

Penalty for refusing to obey orders given at a fire.

CHAPTER VIII.

SECTION 1. The common council may cause to be established from time to time, and as rapidly as the convenience of the inhabitants may require, under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and it shall cause accurate profiles thereof to be made and kept in the office of the city surveyor.

Council to establish grade of streets, &c.

SEC. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city of Shakopee, they shall require the street commissioner to notify all owners and occupants of any lot or lots or parcels of land adjoining such sidewalk to construct or repair the same at his or their own proper expense and charge, within a certain time designated by the publication in the official paper of said city, for not less than two weeks, of a notice to said owners or occupants, 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.

Duty of street commissioner.

SEC. 3. If such work is not done and the said sidewalks not built or repaired in the manner and within the time prescribed, the common council may order the same to be done by the street commissioner, at the expense of the lots and parcels of land adjoining said sidewalks, and said

Expense of constructing sidewalks, how paid.

expense shall be assessed upon such lots and parcels of land so chargeable, by the street commissioner, and returned by him to the common council. And said assessment so made and returned, if approved by the common council, shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Non-payment of taxes, how collected.

SEC. 4. If said assessment be not paid to the street commissioner or the city treasurer on or before the twentieth day of August, in any year, the common council shall cause a statement of the sum to be transmitted with the city taxes levied for that year to the auditor of the county of Scott, on or before the first day of September in each year, and the said auditor shall insert the same with the other taxes in the duplicate statement of taxes annually transmitted by him to the county treasurer for collection, and payment thereof enforced, with and in like manner as city, county and state taxes are collected and payment thereof enforced.

To prescribe width of sidewalk and material used.

SEC. 5. The common council shall prescribe the width of sidewalks, and may establish different widths in different localities, and determine the kind of material of which they shall be constructed, having regard to the business and the amount of travel in the vicinity of each.

CHAPTER IX.

To make contract for lighting streets.

SECTION 1. The common council shall have authority to contract with any person, persons or corporation for the lighting of such streets or parts of streets and public places as they shall deem proper for the convenience and safety of the inhabitants.

To authorize the laying of gas pipes.

SEC. 2. The common council may permit the laying of gas pipes in any and all the streets, alleys, highways and public grounds of the city; but in all cases the common council shall regulate the laying of the same, so that said gas pipes may not at any time interfere with the construction of common sewers or the lateral branches thereof, or with the proper and convenient location of water mains and pipes, and may at any time require the location of any gas pipes to be changed, if the same shall be found to interfere with the proper and convenient location of common sewers or water mains and pipes.

To permit any corporation to lay water pipes.

SEC. 3. The common council may permit any party or corporation to lay water mains and pipes in any and all streets, alleys, highways and public grounds of the city,

and shall regulate the position of the same, so that they shall not obstruct or interfere with common sewers or with the proper drainage of the city.

CHAPTER X.

SECTION 1. No vote of the common council shall be reconsidered or rescinded at a subsequent meeting, unless at such subsequent [meeting] there be present as large a number of aldermen as were present when the vote was taken.

When vote of council may be rescinded.

SEC. 2. No penalty or judgment recovered in favor of the city shall be remitted or discharged, except by the vote of two-thirds of the aldermen elect.

When penalty or judgment may be remitted.

SEC. 3. In all prosecutions for any violation of this act, the first process shall be by warrant on complaint being made. *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons, while in the act of violating any laws of the state of Minnesota, or ordinance or by-law of the city of Shakopee, 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 made by warrant. All warrants, process or writs by the city justice for the violation of an ordinance and by-laws of said city, shall be directed to the chief of police or any police officer of said city.

In what cases warrant to be issued—what cases not issued.

SEC. 4. In all cases of the imposition of any fine or penalty, or of the rendering of any judgment by a city justice of said city, pursuant to any statute of the state of Minnesota or pursuant to any ordinance or by-laws of the said city of Shakopee, as punishment for any offense, or for the violation of any ordinance or by laws as aforesaid, the offender shall be forthwith committed to the city prison of said city, or if there be no city prison, to the common jail of Scott county, and be there imprisoned for a term not exceeding three months, in the discretion of the city justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offense whatever, until the time of trial, the person or persons so arrested may be imprisoned in the city prison, or in case there be no city prison, in the common jail in the county of Scott.

Non-payment of fines how punished.

SEC. 5. No person shall be incompetent as judge, justice, witness or juror, by reason of his being an inhab-

Qualifications of judge, &c.

itant of said city, in any proceeding or action in which the city shall be a party in interest.

How actions to be brought.

SEC. 6. When any suit or action shall be commenced against said city, service of the process may be made by the proper officer, by leaving a copy of such process with the mayor or acting mayor; and it shall be the duty of the mayor forthwith to inform the common council thereof, and take such other proceedings as by the ordinances or resolutions said council may have in such case provided.

May purchase and hold real estate.

SEC. 7. The said city may purchase and hold real and personal estate, for public purposes, sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

No law considered repealing or modifying the same unless expressly set forth.

SEC. 8. No law of the state concerning the provisions of this act shall be considered as repealing, amendatory or modifying the same, unless said purpose be expressly set forth in such law.

Liable for board or jail fees.

SEC. 9. The city of Shakopee shall be liable for the board and jail fees of any person who may be committed by any officer or magistrate of said city, to the jail of Scott county for the violation of any ordinance or by-law of said city, and the common council are authorized to make such regulations with the commissioners of said county, as shall be necessary to carry the above into effect.

Street commissioner to collect poll tax—compensation.

SEC. 10. The street commissioner shall collect the corporation or poll tax which may be levied by the common council, and said street commissioner shall have all the power as possessed by road supervisors as provided by the laws of the state, and shall report to the common council when required, and shall be entitled to receive five per cent. for the collection thereof.

What to constitute the town of Shakopee.

SEC. 11. All that part of the town of Shakopee not included within the limits of the city of Shakopee, shall constitute and be organized as a town by the name of Shakopee, and may, in the manner provided by statute in such case, organize by the choice of town officers on the first Tuesday of April, A. D. one thousand eight hundred and seventy. The town supervisors and other officers of the present town of Shakopee, shall continue to hold their offices in the proposed town of Shakopee until other officers are elected and qualified.

Disposition of certain moneys.

SEC. 12. All moneys in the hands of the treasurer of the town of Shakopee, all taxes levied and uncollected, or in the hands of the county treasurer of Scott county, which are or may be payable to the town of Shakopee,

shall be paid to the treasurer of the city of Shakopee, and the city of Shakopee shall be liable for and pay all the debts and liabilities of the town of Shakopee; and all the property, real, personal and mixed of every kind and description of the town of Shakopee, shall become and be the property of the city of Shakopee.

SEC. 13. All elective officers elected at the first city election, on the last Tuesday of March, A. D. one thousand eight hundred and seventy, for the designated term of one year, shall hold their offices respectively until the first Tuesday of April, A. D. one thousand eight hundred and seventy-one, and until their successors are elected and qualified. All elective officers elected at said first city election for the designated term of three years, shall hold their offices respectively until the second Tuesday of April, A. D. one thousand eight hundred and seventy-three, and until their successors are elected and qualified, except as provided in section eight, chapter eleven, of this act.

Term of office of elective officers.

SEC. 14. From the time of the passage of this act and until the organization of the city government, all town officers of the town of Shakopee, shall continue to act and perform the duties of their respective offices, and their authority and jurisdiction be in no wise impaired, until the said day of organization, when the same shall cease in all that part of the town included within the city of Shakopee, except such officers as hold their offices under or by virtue of some provision of the constitution.

When town government to cease.

CHAPTER XI.

SECTION 1. The first election under this act shall be held on the last Tuesday in March, one thousand eight hundred and seventy.

When first election held.

SEC. 2. On or before the last Tuesday of March, A. D. one thousand eight hundred and seventy, the board of supervisors of the town of Shakopee, shall designate a place in each ward for the holding of election, and shall appoint three legal voters in each ward as judges of election, in their respective wards, two legal voters as clerks of election before the opening of the polls; *Provided*, In case any of the persons so appointed shall not be present, or fail to act as such inspectors at the time for holding such election, then in that case it shall be lawful for the bystanders to fill any such vacancy that may occur in said board.

When to designate place of holding election in each ward.

Notices to be posted—when.

SEC. 3. The town clerk of the town of Shakopee shall, within four days after said last Tuesday in March, A. D. one thousand eight hundred and seventy, cause notices of the time and place of holding said first election in the several wards to be posted in at least two public places in each ward. Said notices shall have the names of the judges of election in their respective wards and the time when, and the places where, the said judges will be in session for the preparation and revision of the voting lists of each ward.

Places of judges of election.

SEC. 4. It shall be the duty of the said judges of election, immediately upon their appointment, to prepare lists of the qualified voters in their respective wards, to be used at said first election, and copies of said lists of voters shall be posted up in not less than three places in each ward for at least six days before the said first election.

When judges of election to make correction in poll lists.

SEC. 5. It shall be the duty of said judges of each of said wards, on the Saturday next preceding said election, and if necessary, also on the Monday next preceding said election, from the hour of nine o'clock in the forenoon till four o'clock in the afternoon, and for two hours next preceding the opening of the polls on the day of election, to be present, and at the place appointed for holding such elections, for the purpose of making all necessary corrections of such list. In all other respects said first city elections shall be governed by the rules prescribed in this chapter, except that the returns of the first election shall be made to the town clerk of the town of Shakopee, within twenty-four hours after the closing of the polls.

To whom returns to be made.

SEC. 6. On the Thursday following said election, the board of supervisors of the town of Shakopee, shall canvass the returns, and make and file with the town clerk a statement announcing who appears to be elected, and the town clerk shall immediately notify the mayor and aldermen of their election.

When and where first meeting of council.

SEC. 7. The aldermen elect shall hold their first meeting at the office of the town clerk of the town of Shakopee, or at some other place designated by said town clerk, on the Tuesday next after said election, when they shall qualify and proceed to organize the common council. The clerk of the town of Shakopee shall act as city recorder, until the city recorder is qualified.

SEC. 8. At the said first election there shall be elected in each ward three aldermen, one of whom shall hold said office until the second Tuesday of April, A. D. eighteen

hundred and seventy-one, until the second Tuesday of April A. D. eighteen hundred and seventy-two, and one until the second Tuesday of April, A. D. eighteen hundred and seventy-three, and at the first meeting of said council, the respective terms of each shall be designated by lot.

SEC. 9. No informality or irregularity in making or printing of the notices of said first election, nor a failure to give notice of said first election, or to prepare the poll list or appoint judges for the same as herein prescribed, shall in any way invalidate said election; *Provided*, That on the day of election the regulations governing elections are substantially complied with.

SEC. 10. All acts and parts of acts conflicting or inconsistent with this act are hereby repealed.

SEC. 11. This act shall be deemed a public act, and shall take effect from and after its passage.

Approved March 3, 1870.

CHAPTER III.

An Act to reduce the law incorporating the City of Stillwater, in the County of Washington and State of Minnesota, and the several acts amendatory thereof into one act, and to amend the same.

March 3, 1870.

CHAPTER I.

- SECTION 1. Corporate rights of said city.
2. Boundary lines of the city of Stillwater.

CHAPTER II.

- SECTION 1. When annual election to be held—notice to be given of the time and place of holding elections.
2. Elective officers of said city—term of office—Council may remove any person elected or appointed to office for cause.
3. Vacancies, how filled.
4. Elections by the people shall be by ballot—what to constitute an election.