

sidewalk, streets, alleys opposite thereto; and in their default, by some officer of the village at the expense of such owners or occupants.

Third.—To regulate and license public auctions or vendues.

Fourth.—To provide by ordinance for a standard of weights and measures, the appointment of a village sealer, and to provide for the punishment for the use of false weights and measures.

SEC. 30. The said village of Wells shall be liable for its proportionate share of principal and interest of any bonds or other indebtedness which has been or may be voted or incurred by the township of Clark for any purpose whatever prior to the time when this act shall take effect or be enforced.

When act to take effect. This act shall take effect and be in force from and after the first day of July, A. D. 1871.

Approved March 6, 1871.

CHAPTER XI.

An Act to amend Chapter two of the Special Laws of one thousand eight hundred and seventy, entitled "An Act to incorporate the City of Shakopee."

- March 2, 1871.
- SECTION 1.** Amendment to Section two (2), Chapter two (2), of Chapter two (2), Special Laws of 1870. Strike out the word "Assessor."
2. Amendment to Section one (1), Chapter three (8), of said act. Strike out the words "Street Commissioner."
3. Amendment to Sections six (6), seven (7), eight (8), and fifteen (15), Chapter three (3), of said act.
6. Duties of City Treasurer.
7. Mayor to appoint a Chief of Police—duties of said officer.
8. Council to superintend all street improvements.
5. Printing to be given to the lowest bidder—what to be considered sufficient evidence of publication of notices, etc.

OF MINNESOTA FOR 1871.

153

4. Amendment to Sections four (4), and six (6), Chapter four (4), of said act. Strike out and insert—strike out.
5. Amendment to Section one (1), Chapter six (6), of said act. City Council to be fence viewers.
6. Amendment to Section two (2), Chapter six (6), of said act. Council shall have power to contract for opening, grading and repairing streets, etc.
7. Amendment to Section three (3), Chapter six (6), of said act. Strike out and insert.
8. Amendment to Chapter seven (7) of said act.
 1. Council to purchase fire engines and other fire apparatus—number to each company stipulated—exemptions.
 2. When to meet for the election of officers of Fire Department.
 3. How Fire Wardens to be appointed—duties of.
 4. Common Council to prescribe fire limits.
 5. Power to prevent the dangerous construction of chimneys, etc.
 6. Penalty for refusing to obey orders given at any fire.
 7. Council to appropriate money for the support and maintenance of the Fire Department.
9. Amendment to Sections two (2), three (3), and four (4), Chapter eight (8), of said act.
 2. Duty of Council when necessary to construct and repair sidewalks.
 3. Expense of constructing and repairing sidewalks, how paid.
 4. Non-payment of taxes on property improved, how collected.
10. Amendment to Section ten (10), Chapter ten (10), of said act. By whom poll tax collected—compensation.
11. When act to take effect.

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

SECTION 1. That section two of chapter two of said act, is hereby amended by striking out the word "Assessor," in said section.

SEC. 2. That section one, of chapter three of said act, is hereby amended by striking out the word "Street Commissioner," in said section.

SEC. 3. That sections six, seven, eight and fifteen, of chapter three of said act, is hereby amended so as to read as follows;

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 of the state of the treasury, which account shall be

filed with the clerk, and a copy of the same may be 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.

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. 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 whatever, 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 action; 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 constables aforesaid, shall be entitled to like fees. Watchmen shall have authority to arrest and detain any person guilty of any breach of the 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 common council 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 such person 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 all moneys collected or received by him in his official capacity, or belonging to the city.

Council to superintend all street improvements.

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

Sec. 15. The common council, at their first meeting after each annual election, or as soon thereafter as may be, may 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 shall 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 com-

mon council may appoint, and the person or persons offering to do such 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 and 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 ordinance or other matters as the common council may require to be published, at a rate satisfactory to the common council, they may make such 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. 4. That section four of chapter four of said act is hereby amended by striking out the words "in the official paper," in said section, and inserting in place thereof the words "as the council may direct," and section six of said chapter four is hereby amended by striking therefrom the words "street commissioner."

SEC. 5. That section one of chapter six is hereby amended by adding thereto the following, viz: The said city council shall be ex-officio fence viewers within the limits of said city, and shall have the same power and authority in relation to fences as the supervisors of towns now or hereafter may have by the general laws of this state.

SEC. 6. That section two of chapter six is hereby amended so as to read as follows:

Section 2. The common council shall have power to order and contract for the opening, grading, repairing and cleaning of the streets, alleys, public grounds, reservoirs, cisterns, gutters, sewers and sidewalks within the city, and to direct and control the persons employed thereon.

*Power to open,
grade and repair
streets.*

~~Strike out and
insert.~~

To purchase fire
engines and oth-
er apparatus—
exemptions.

SEC. 7. That section three of chapter six is hereby amended by striking out the word "clerk" in said section, and inserting the word "recorder" in place thereof.

SEC. 8. That chapter seven is hereby amended so as to read as follows:

Section 1. The common council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire engine, hook and ladder and hose companies, and to provide for the due and proper support and regulation of the same, and to order such companies to be disbanded and their meetings to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able-bodied men between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this state or the ordinances of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll tax, from serving on juries, and military duty, during the continuance of such membership; and any person having served for the term of five years in either of said companies shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty except in cases of insurrection and invasion.

When members
of Fire Depart-
ment to meet—
for what purpose

Sec. 2. There shall be a meeting of the members of said companies on the third Monday of November in each year, at such places as may be designated by the chief engineer, when they may nominate and recommend to the common council, for appointment, one chief engineer and two assistant engineers, and the common council shall thereupon confirm said nominations; and the persons so appointed shall perform such duties as the common council may prescribe.

How appointed
and duties of
Fire Wardens.

Sec. 3. At the same time the members of said companies shall nominate, and the common council shall appoint the same, one fire warden for each ward, who shall perform such duties as the common council may prescribe; and they may at any time enter into or upon any house, barn, or other building or enclosure, for the purpose of inspecting the same.

Council to pre-
scribe fire limits.

Sec. 4. 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 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 a 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 materials 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.

Sec. 5. The common council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, 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 fire. To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires. To regulate and prevent the use of firearms and fireworks. 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 per-

To prevent dangerous construction of chimneys.

sons, 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.

Penalty for refusing to obey order given at fire.

Sec. 6. 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.

Maintenance of Fire Department. Sec. 7. The common council may provide by ordinance for the organization of the fire department in said city and the duties of the several officers and members thereof. They may make reasonable appropriations for the support of said fire department or of the several companies thereof, which shall be paid out of the general fund of said city.

Sec. 9. That sections two, three and four of chapter eight is hereby amended so as to read as follows:

Duty of Council when necessary to construct and repair sidewalks. Sec. 2. Whenever the common council shall deem it necessary to construct or repair any sidewalk in said city of Shakopee they shall require notice to be given to 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, as the common council may direct, 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.

Expenses, how paid. 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 at the expense of the lots and parcels of land

adjoining said sidewalks, and said expenses shall be assessed upon such lots and parcels of land so chargeable, and said assessment so made by the common council shall become a lien upon said lots and parcels of land, as in case of city, county and state taxes.

Sec. 4. If said assessment be not paid to the city treasurer on or before the twentieth day of August, in any year, the common council shall cause a statement of the same 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.

Sec. 10. That section ten of chapter ten is hereby amended so as to read as follows:

Sec. 10. The chief of police shall collect the corporation or poll tax which may be levied by the common council, and said chief of police shall have all the power as possessed by road supervisors for the purpose of collecting said tax, as provided by the general 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.

Sec. 11. This act shall take effect and be in force on and after its passage.

Non-payment of
taxes, how col-
lected.

By whom poll
tax collected—
compensation.

Approved March 2, 1871.