

H. F. No. 412.

CHAPTER 351.

City charters.

An act authorizing any city incorporated prior to the adoption of the constitutional amendment proposed by chapter 280 of the General Laws of Minnesota of the year 1897, or any village in this state desiring to be incorporated as a city, to frame its own charter for its government as a city, consistent with and subject to the laws of this state.

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

What cities and villages may frame their own charters.

SECTION 1. Any city incorporated prior to the adoption of the constitutional amendment allowing cities already incorporated, and villages desiring to be incorporated as cities, to frame their own charter as cities, and classifying cities for the purpose of general legislation, which constitutional amendment is proposed in chapter two hundred and eighty (280) of the General Laws of Minnesota of the year eighteen hundred and ninety-seven (1897), and any village in the State of Minnesota desiring to be incorporated as a city, may frame a charter for its own government as a city as hereinafter provided.

Petition to district court, form and contents of.

SEC. 2. The judge or judges of the district court of the judicial district in which such city or village is situated may, in his or their discretion, upon presentation of a petition signed by at least ten (10) per cent of the legal voters thereof, according to the returns of the next preceding election in such city or village, requesting such action, or whenever said judge or judges shall deem it advisable for the best interests of such city or village, appoint a board of fifteen (15) freeholders who shall be, and for the past five (5) years shall have been, qualified voters of such city or village.

Judges may appoint board.

Such board of fifteen (15) freeholders shall hold office for a term of four (4) years.

Board to make draft of charter.

Such board shall within six (6) months after its appointment return to the chief magistrate of such city or village a draft of the proposed charter, signed by the members of said board, or a majority thereof.

Charter to be submitted to electors; 4-7 vote necessary to adopt.

Such charter shall be submitted to the qualified voters of such city or village at the next election thereof, and if four-sevenths (4-7) of the qualified voters voting at such election shall ratify the same, it shall, at the end of thirty (30) days thereafter, become the charter of such city or village as a city and supersede any existing charter and amendments thereof.

Provided, that in cities having patrol limits now established such charter shall require a three-fourths ($\frac{3}{4}$) majority of the qualified voters voting at such election to change the patrol limits now established.

$\frac{3}{4}$ vote necessary to adopt in cities having patrol limits.

Duplicate certificates shall be made setting forth the charter and ratification, which shall be signed by the chief magistrate of such city or village and authenticated by its corporate seal; one of such certificates shall be deposited in the office of the secretary of state, and the other, after being recorded in the office of the register of deeds of the county in which such city or village is situated, shall be deposited in the office of the city or village clerk, or the corresponding official, of such city or village, and all courts shall take judicial notice thereof.

Certificates of ratification, form of.

Such charter so deposited may be amended by a proposal therefor made by said board, published for at least thirty (30) days in three (3) newspaper[s] of general circulation in such city or village, and accepted by three-fifths ($\frac{3}{5}$) of the qualified voters of such city or village, voting at the next election, and not otherwise, but said charter shall always be in harmony with and subject to the constitution and laws of the State of Minnesota.

Charter, how amended.

Upon the application of five (5) per cent of the legal voters of any such city or village, by written petition addressed to and filed with such board of fifteen (15) freeholders, such board shall submit to the vote of the people any amendment to such charter endorsed by such application and petition.

Such submission shall be made in the same manner as is above provided for the submission of amendments in general. Vacancies in said board of freeholders, whether caused by death, disability to perform duties, resignation, removal from the corporate limits, or expiration of said term of office of four (4) years, shall be filled by appointment in the same manner as the original board was created, and said board shall always contain its full complement of members.

Vacancies in board, how filled.

Any member permanently removing from the corporate limits of such city or village shall be considered to vacate his office.

SEC. 3. Any such charter shall provide, among other things, for a mayor or chief magistrate and a legislative body of either one (1) or two (2) houses; if of two (2) houses, at least one (1) of them shall be elected by a general vote of the electors. In submitting any such charter or amendment thereto to the qualified voters of such city or village, any alternate section or article may be presented to the choice of the voters and may be voted on separately without prejudice to other articles or sections of the charter or any amendments thereto.

Charter, provisions of.

How submitted to voters.

SEC. 4. Upon the draft of such charter being returned to such chief magistrate as aforesaid, the law-making authorities of such city or village, as the case may be, shall forthwith make suitable provision for submitting to the qualified voters of such city or village the question of the adoption of such charter.

May be submitted at general or special election.

Such question may be submitted at either a general or special election, and whether such election be general or special, it shall be conducted in all respects in the manner provided for general or special elections by the general laws of this state.

Form of ballots.

The ballot to be used at such election shall have printed upon it this question, "Shall the proposed new charter of the city (or village) of be ratified?" Following and to the right of such question shall be printed or written the words "Yes" or "No."

Manner of voting.

The voter shall indicate his choice by an "X," marked to the right of the "Yes" or "No," according as he is in favor of or opposed to the ratification of such charter. In the event of any alternate section or article being presented for the choice of the voters, any form of ballot may be used which will clearly indicate the choice of the persons voting such ballot between such alternate sections or articles.

Adoption of not to affect vested rights.

SEC. 5. Such charter in superseding any previous charter and amendments thereof shall not affect any right, lien or liability accrued, established or subsisting previous to the time when such charter takes effect, nor affect any action or proceeding pending when such right, lien or liability shall be in force, and such action or proceeding shall be carried on in all respects as if such charter had not taken effect, nor shall any charter be in anywise construed as to affect any right or liability acquired or accrued under the previous charter and amendments superseded thereby on the part of any city or any person or body corporate.

All prior ordinances not inconsistent to remain in force.

SEC. 6. All ordinances, resolutions and regulations in force at the time such charter takes effect and not inconsistent with the provisions thereof shall remain and be in force until altered, modified or repealed by the law-making authorities of such cities.

All prior rights of action not to be affected.

SEC. 7. All rights of action, penalties and forfeitures accrued to such city or village before such charter takes effect shall remain unaffected thereby, and may be prosecuted, recovered and received as fully in every respect as though such charter had not taken effect.

All prior liens on real estate not to be affected.

SEC. 8. Any lien on real property existing in the State of Minnesota or such city or village, at or before the taking effect of such charter, for taxes and special assessment levied by such city or village, and all right, title

or estate acquired by or vested in the State of Minnesota or any such city or village by reason of the forfeiture or sale to the state, or city, or village of any tract of land, town, city or village lots offered in a public sale for taxes or special assessment levied by such city or village, interest and costs due thereon, and not sold to others for want of bidders, are hereby assigned and transferred to and continued in such city or village, and all lands, town, city or village lots forfeited or sold to the state, or such city or village shall from the taking effect of such charter be deemed and taken to be forfeited and sold to such city or village. In all cases where certificates of purchase have, at the time such charter takes effect, been made out in the name of purchasers at any sale for such delinquent taxes or special assessment, the right to redeem any such sale shall not be impaired by anything in this act or any such charter contained.

SEC. 9. It shall be lawful for any such city or village in such charter or by amendment thereof to provide for regulating and controlling the exercise by any person or corporation of any public franchise or privilege in any of the streets or public places in such city, whether such franchises or privileges have been granted by said city or village, or by or under the State of Minnesota, or any other authority; but no perpetual franchise or privilege shall ever be granted; nor shall any exclusive franchise or privilege be granted unless the question of granting the same shall have been first submitted to the qualified voters of such city and adopted by a majority voting at such election on the question, nor in such case for a longer period than ten (10) years.

Public franchises, how regulated, not to be perpetual. Exclusive without vote of the people not to be granted.

SEC. 10. That the city council shall control the property and finances of the city and shall have power to appropriate money for city purposes only, except as hereinafter provided; to provide for the payment of its debts and expenses; to borrow money on its credit for city purposes and to issue bonds therefor; to issue bonds in the place of and to supply means for paying maturing bonds and to consolidate or fund the same.

Control of property and finances.

Provided, that the total indebtedness of such city, except as hereinafter provided, shall not thereby be made to exceed five (5) per cent of the total value of the taxable property of such city, according to the last preceding assessment for the purposes of taxation, except in cities where such limit has already been reached, or expenditures have already been authorized by vote of the people of said city which will cause the said limit to be reached.

Total indebtedness not to exceed 5 per cent of taxable property.

Certificates of indebtedness for permanent improvement not indebtedness considered.

Bonds for floating indebtedness, how and when issued.

In cities of less than 8,000 bonds not to exceed 10 per cent.

Amount of indebtedness in certain cases.

Provided, however, that the certificates of indebtedness issued for the creation and maintenance of a permanent improvement revolving fund shall not be considered as a portion of the indebtedness of the city for the purposes of this section.

Provided, further, however, that in case of any such city now organized, or territory hereinafter to be organized, the total indebtedness of which at the time of the passage of this act exceeds five (5) per cent of the total value of the taxable property of said city according to the last preceding section for the purposes of taxation, the city council of such city incorporating under the provisions of this act may issue bonds sufficient to pay the floating indebtedness then existing of any such city, the proceeds of which bonds shall be used solely for the purpose of paying such indebtedness, and thereafter the city council of any such city shall not be authorized to issue any bonds, except as hereinafter provided, and except for the paying of maturing bonds of said city, until the total indebtedness of said city, except as hereinafter provided, shall be reduced to an amount less than five (5) per cent of the total value of the taxable property of such city according to the last preceding assessment for the purpose of taxation, and thereafter the city council of such city may issue bonds in accordance with the provisions hereof and within the limits herein first prescribed.

Provided, further, that any city having a population of less than eight thousand (8,000), an indebtedness not to exceed ten (10) per cent of the total value of the taxable property of such city may be incurred by the issuing of bonds in the same manner as above provided for the incurring of indebtedness not to exceed five (5) per cent.

Provided, further, that where any city has, prior to its becoming incorporated under the provisions of this act, and for the purpose of constructing, regulating, maintaining or extending or improving suitable water and light [plants], or either of such plants, or for the purpose of purchasing, maintaining, extending and improving any water and light plants, or either of such plants, already in existence in such city, or for the purpose of acquiring or paying for any real estate or other property needed in connection with such water or light plants, or either of them, for the protection of the purity of the water supply, or otherwise, issued or authorized to be issued bonds, so that the amount of said bonds when added to the other indebtedness of said city shall cause the entire indebtedness thereof to exceed five (5) per cent of the total value of the taxable property of said city, according to the last preceding assessment for the purposes of taxation, then said bonds shall not be deemed to be a part of the total

indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five (5) per cent of the total value of said taxable property; and thereafter said city may issue such additional bonds as may be necessary to extend, enlarge or improve such water and light plants, or either of such plants, and such additional bonds so issued for such purposes shall also not be deemed to be a part of the total indebtedness of said city, which said city is hereinbefore forbidden to make to exceed five (5) per cent of the total value of said taxable property. Such bonds shall be authorized, issued, negotiated and sold in the same manner as other city bonds, and shall be a first lien upon all water and light plants and structures of every kind, if issued for both; or if for only one, then upon the appliances and structures thereof, and all the property acquired or used in connection therewith, erected, owned or purchased by said city, and the proceeds of such bonds shall not be expended for any other purposes than that for which they are issued. No city council of any city in this state shall issue bonds for any purpose to the amount of one hundred thousand (100,000) dollars or over until the proposition to issue said bonds has been approved by a majority of the legal voters of that city voting at a general or special election.

SEC. 11. In case of a rejection of a charter proposed by such board, said board may propose a new charter in the same manner as is above provided for the submission of the first charter adopted by said board, and such charter so proposed shall be voted on in like manner and with the same effect as is above provided in the case of said first charter, and if adopted may be amended in like manner.

New charter.
how pro-
posed after
rejection.

SEC. 12. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 13. This act shall take effect and be in force from and after its passage.

Approved April 20th, 1899.